

Alva Independent School District #001
Alva, Oklahoma

HAZARD COMMUNICATION STANDARDS

Adopted: January 08, 1990

Revised: April 07, 2003

Legal Reference:

Cross Reference:

District #001, Woods County, Oklahoma

The Alva School District shall seek to provide the most safe workplace possible for its employees and to that end shall comply with all requirements of the 1985 Oklahoma Occupational Safety and Health Act. Provisions of the act are set forth in the following set of policies and procedures.

Procedure for Hazard Communication Standards Program

The administrator appointed by the Superintendent is responsible for all collection and storage for MSDS and CIL. They shall be kept in files in the Superintendent's Office with copies given to each custodian.

The administrator is responsible, in conjunction with the superintendent of schools, for providing training to all support employees on safety precautions. Those employees shall include:

Bus Drivers, Custodians, Maintenance Personnel, Cooks and anyone routinely using school equipment (coaches for mowing, etc.)

The administrator shall assume responsibility for all placarding within the Alva School District buildings.

All school personnel shall cooperate fully with the administrator in providing him with needed lists of chemicals and equipment used in any areas.

Chemical Information Lists

The Alva School District shall develop and maintain Chemical Information Lists (CIL) containing the common and trade names of all hazardous substances present in the workplace. Such annual CIL's shall be maintained in alphabetical order cross-referenced to their chemical names.

A CIL shall be maintained on each employee indicating the type of chemical exposures received throughout their employment in the workplace, and this information shall

- a) be stored for not less than 40 years, or,
- b) be provided to employees on a regular periodic basis; or upon termination, provided to employees in a form that includes the following statement, "You should preserve this report for future reference."

Whenever the Alva School District discovers that an employee has received a potentially hazardous exposure to any substance or agent covered under this rule, the school's administrator shall immediately notify the employee of the exposure and the school shall take such steps as may be necessary to provide medical evaluation, monitoring, or treatment.

Material Data Safety Sheets

The Alva School District shall obtain or develop a material safety data sheet (MSDS) for each hazardous substance which is identified on the CIL.

Each MSDS shall reflect the information contained in the sources consulted by the manufacturer in his/her hazard determination and shall contain at least the required information specified by 29 CFR 1915.97 (B).

Provision of a U.S. OSHA Form 20 MSDS or equivalent shall constitute prima facie proof of compliance with section III.B.2.

If the school becomes aware of any information which is significant regarding the health hazard of a substance, and which does not appear on the MSDS, this shall be added to the MSDS within a reasonable period of time, but not to exceed thirty days. Where trade secrets are involved, the manufacturer shall be informed in writing of the discovery; and a copy shall be forwarded to the Oklahoma Department of Labor for follow-up.

Providing CIL and MSDA to Purchasers

Manufacturers, distributors, and service contractors shall provide appropriate MSDS to the purchasers of hazardous substances upon request.

Purchasers shall require that:

- a) MSDS be provided by the manufacturer, distributor, or service contractor at the time a bid to provide the product or service is submitted for review; or,
- b) Each time a purchase of the substance is made, unless provided for in III.C.2.a., the MSDS shall precede the shipment; or
- c) Any time there is a change that alters the composition of the substance, the MSDS mailing shall precede shipment of the product or commencement of the service.

CIL and MSDA Review

The chemical and common names of all hazardous substances introduced into the workplace subsequent to the original listing shall be appended to the CIL when introduced into the workplace, but not to exceed a thirty day period with the original listing and appendage being revised and re-alphabetized annually. Each employer required to prepare CIL and MSDS shall review their CIL and MSDS, and shall update, revise and re-alphabetize as needed but not less than annually.

Access to Written Records: Availability

Upon request by an affected employee or employee representative, the school shall assure access to copies of the CIL and MSDS required by these regulations and shall ensure that they are readily accessible as soon as possible in a reasonable time, place, and manner, but in no event later than one working day after the request for access is made.

Labeling

Labels on containers shall be applied to each container when provided to Alva Schools from the manufacturer or distributor. Containers used by service contractors shall likewise be labeled prior to use of the hazardous substances in the school's workplaces. This is the responsibility of the administrator.

The administrator shall take any action necessary to ensure that every container in the work area containing a hazardous substance shall bear a label indicating the chemical name and CAS number for the substance or the trade secret registry number assigned to the hazardous substance.

If the label contains a mixture, the administrator shall ensure that the label identifies the chemical names and CAS numbers or the trade secret registry numbers of the five most predominant substance contained in the mixture. The provisions of this section shall not apply to any substance constituting less than one percent of a mixture unless the substance is present at the workplace in an aggregate amount of five hundred pounds or more.

Alva School shall be required to label pipelines only at the valve or valves located at the point at which a substance enters the workplace's pipeline system, and at normally operated valves, outlets, vents, drains, and sample connections designed to allow the release of a substance from the pipeline.

The provisions of this subsection shall not apply to any substances labeled pursuant to the Federal Insecticide, Fungicide and Rodenticide Act, 61 Stat. 163 (7USC Section 121 et al.). The Commissioner may certify containers labeled pursuant to any other federal and/or state act as labeled in compliance with the provisions of this section.

The school shall not be required to label portable containers into which hazardous substances are transferred from labeled containers, and which are intended only for the immediate use by the employee who performs the transfer.

Training and Education Program

The Alva School District shall have an employee training and education program designed to communicate information to employee(s) about the hazardous substances to which they are exposed. Additionally, the program shall include the established mechanism for employees to obtain and use the appropriate CIL and MSDS.

This training and education shall be provided within the first thirty days of employment and/or transfer and at least annually and shall include, but not be limited to: the nature of the hazards; appropriate work practices; protective measures; and emergency procedures. Such information shall not be inconsistent with that contained in the MSDS, which shall be used as a basis for the training and education program.

The administrator shall provide additional instruction whenever the employee may be routinely exposed to additional hazardous substances, substances which require special precautions, or whenever the employee's potential for exposure is increased due to changes in work practices through the introduction of new toxic and hazardous substances or equipment.

The Alva School District shall require that service contractors whose work or materials pose a health hazard to the school's employees shall be responsible for the provisions of sections III.G.1-4 above.

Fire Safety

The Alva School District shall provide to the person responsible for the administration and direction of the Alva Fire Department and the state fire marshal:

A list of work areas, sufficiently identified by name and location, where hazardous substances are consistently generated by, used by, stored at, or transported from the school's facility. The list shall contain chemical and common name of each substance.

Placarding *Signs required and adoption by reference*

The school shall post signs which shall comply with this rule. The school need not comply with the sign posting requirements of subsection IV.E.1.b. if the building, structure, or location within the building or structure does not contain a significant amount of the hazardous chemical as defined in Rule IV. The National Fire Protection Association's standard system for identifying fire hazards of chemicals based on NFPA Standard 704-1985 Edition is adopted by reference.

Size: The signs shall be at least seven and one-half (7 1/2) inches on each side. The sign shall have four spaces, each at least three and three-fourths (3 3/4) inches on a side. Numbers and symbols within each of the four spaces shall be at least three inches in height.

Location: If a building or structure has a floor space of 5,000 square feet or less, a proprietor shall post signs on the outside of the building or structure, identifying the type of each hazardous chemical contained in the building or structure. If the building has more than 5,000 square feet, in addition to the signs posted outside, the school shall post a sign at the place within the building where each hazardous chemical is permanently stored to identify the type of hazardous chemical. If the hazardous chemical is moved within the building, the school shall also

move the sign or post an additional sign at the location(s) where the hazardous chemical is moved. This subsection applies to significant amounts of a hazardous chemical as defined in section IV.E.4.

Categories: The signs shall identify hazards of a chemical in terms of three principle categories, namely, "health," "flammability," and "reactivity (instability)," and indicate the order of severity numerically by fire divisions ranging from four, indicating a severe hazard, to zero, indicating no special hazard. This information is to be presented by a spatial system of diagrams with "health" always being on the left, "flammability" at the top, and "reactivity (instability)" on the right. Supplementing the spacing arrangement, color backgrounds or numbers are used for three categories, with blue representing "health hazard," red representing "flammability" and yellow representing "reactivity (instability)." The fourth space, at the bottom, is used to indicate unusual reactivity or other special hazard warnings in black and white colors.

Agreement between a proprietor and fire department

In instances where the number of signs exceeds five and where posting of a sign for each hazardous chemical would be ambiguous, repetitive, or where space is limited by the physical characteristics of the structure, the school may enter into a written agreement with the fire chief of the local fire department which provides for the posting of signs for the most hazardous chemical in each principle category as set in subsection IV.E.4.b. The agreement is subject to the approval of the Commissioner of Labor pursuant to the procedure for a variance as specified in section IV.E.2. If the variance is approved, the school shall post in the same location as the required posted signs, a sign stating: "Signs not posted for all hazardous chemicals." The signs shall be in block letters at least three inches in height.

Significant Amounts: A chemical meeting any of the following criteria shall be considered a "significant amount" of hazardous chemicals:

Any amount of a hazardous chemical which is classified according to the U.S. Department of Transportation as:

1. A class A explosive
2. A class B explosive
3. A class A poison
4. A class B poison
5. A flammable solid with a "dangerous when wet" warning, or
6. Any radioactive material requiring a special license from the Nuclear Regulatory Agency.

The aggregate amount of hazardous chemical stored, placed, or used at the workplace is greater than or equal to 55 gallons of liquid or 500 pounds of non-liquid where the numerical rating of the hazardous chemical based on the NFPA 704-1985 system results in a:

1. Health rating of greater than or equal to two; or
2. Flammability rating greater than or equal to two; or
3. Reactivity rating of greater than or equal to one.

If the hazardous chemical is a combination of liquid(s) and non-liquid(s), the aggregate amount measurement shall be made considering the combined poundage.

The requirements of this rule shall be superseded by other state or federal laws where those regulations are more restrictive.

Employee Rights & Responsibilities

If any employee has requested information pursuant to subrule III.E., and has not received the information within the specified time period, the employee may then refuse to work with the substances or at the location for which the request was made. An employer may not discharge or initiate any adverse personnel action against any employee because the employee has exercised his/her right under this provision. An employer may not request or require any employee to waive any rights under these regulations and in any event if such waivers are executed they shall be null, void, and unenforceable.

Employees working in areas where exposure(s) to hazardous substance(s) exist shall be required to perform their jobs in accordance with precautions communicated to them during training and education programs. Employers may take appropriate disciplinary action when employees do not comply with the precautionary measures this standard mandates.

An employee, upon receiving a potentially hazardous exposure to any substance or agent covered under this rule, shall immediately notify the employer of such exposure.

Trade Secrets

Subject to the provisions of subrules B. and C. of this Rule, an employer, chemical manufacturer, or distributor may withhold from a purchaser the precise chemical name of a hazardous substance if:

1. The substance has been recognized pursuant to the provisions of 20 CFR 1910.1200 (i).
2. The employer, chemical manufacturer, or distributor provides written substantiation of the trade secret to the Commissioner within 30 days after asserting the trade secret claim;
 - A. Upon receipt of the trade secret claim, the Commissioner shall assign a trade secret registry number to the employer. Upon receipt of the trade secret registry number, the employer shall affix the trade secret registry number to each container containing a substance for which the trade secret claim was made.
 - B. The Commissioner shall act to make a determination on the validity of a trade secret claim when a request is made pursuant to the provisions of this act for the disclosure of the information for which the trade secret claim was made, or at any time that the Commissioner deems appropriate. Upon making a determination of the validity of a trade secret claim, the Commissioner shall

inform the employer of the determination by certified mail. If the Commissioner determines that the trade secret claim is not valid, the employer shall have 45 days from the receipt of the Commissioner's determination to file with the

Department of Labor a request for an administrative hearing on the determination. The determination shall then be adjudicated by an action for a declaratory judgment filed by the affected employer in the district court of Oklahoma County or in the county in which such employer does business.

An employer, chemical manufacturer, or distributor shall provide to the purchaser:

1. An identification of the chemical by generic chemical classification that would permit independent toxicological evaluation by a health professional; and
2. All information required by this section other than the precise chemical name.

This information withheld under subrule A. of this Rule shall be provided to:

1. A physician who states in writing that a patient's health problems may be the result of occupational exposure;
2. A physician who in an emergency situation requests the information; or
3. A health professional, including an industrial hygienist, toxicologist, or physician who states in writing that the information is needed to evaluate potential health problems from actual exposure.

For any substance regulated by subrule A. of this Rule, the material safety data sheet shall include;

1. An indication of which category of information is being withheld on trade secret grounds;
2. The name of the manufacturer; and
3. An emergency telephone number where information could be obtained under subrule C. of this Rule.

Enforcement

The provisions of these regulations shall be enforced pursuant to the provisions of Title 40, Chapter 10 Oklahoma Occupational Health and Safety Standards Act.

Effective Dates

Hazardous material containers shipped subsequent to November 25, 1985, shall be accompanied by material

safety data sheets.

Employers shall be in compliance with all provisions of this Standard, with the exception of Rule IV, by May 25, 1986, including initial training for all current employees.

Rule IV shall become effective for political subdivisions as follows:

1. October 25, 1986, for populations over 100,000
2. January 25, 1987, for populations less than 100,000

Asbestos Notice and Labeling

Pipes, boilers, storage vessels, structural members or equipment with insulating material that might be removed, penetrated, damaged or otherwise disturbed by repair, remodeling, renovation, maintenance or other activity, shall be labeled with cautionary labels. Such caution labels shall be printed in letters of sufficient size and contrast as to be readily visible and legible. Each room or area where the conditions requiring such labels exist shall have a minimum of one such label, and such additional labels as may be necessary to insure ready visibility and legibility. Such equipment with asbestos containing material shall bear the following label:

CAUTION
Contains Asbestos Fibers

Avoid Creating Dust
Breathing Asbestos Dust May Cause Serious
Bodily Harm

For facilities with asbestos containing material used as acoustical material on ceilings or walls, employers or their representatives having administrative jurisdiction over such facilities shall insure that the following notice is posted informing employees of the presence of asbestos in the workplace:

NOTICE TO EMPLOYEE

This facility has been inspected for the presence of asbestos containing material.

Asbestos containing material is present in this facility.

Asbestos containing material may cause health problems.

Schools inspected pursuant to the Environmental Protection Agency's asbestos inspection program (40 CFR Part 763) and having complied with the notification requirement contained therein (40 CFR 763.6) shall be exempt from the requirements of subrule IX.B. of this Rule.

Rule IX. of this Rule to become effective immediately.

Student Safety

Teachers of the following classes shall routinely teach safety procedures on uses of any equipment and dangerous substances before any student is allowed to use said equipment or materials. Verification in the grade book as to the student's proficiency must be entered prior to any use by the student. Safety training must take place in the following courses:

- a. Industrial Arts Shop
- b. Art Education
- c. Science Education
- d. Physical Education
- e. Home Economics Education
- f. Vocational Agriculture
- g. Journalism (Photographic Chemicals)

Testing procedures to assure competency should be written into lesson plans and approved by building principals.

Resource Information

The following is a list of available data sources which the employer or employees' representative may wish to consult to evaluate the hazards of chemicals present in the workplace. Any pertinent information may be obtained from the following source list (latest editions should be used):

Condensed Chemical Dictionary, Van Nostrand Reinhold Co., 135 West 50th Street, New York, NY 10020

Dangerous Properties of Industrial Materials, by
N. Irving Sax, Van Nostrand Reinhold Co, 135 West 50th Street, New York, NY 10020

Industrial Hygiene and Toxicology, by F.A. Patty, John Wiley & Sons, Inc., New York, NY (five volumes)

Clinical Toxicology of Commercial Products, Gleason, Gosselin and Hodge

Industrial Toxicology, by Alice Hamilton and Harriet L. Hardy, Publishing Sciences Group, Inc., Action, MA

Recognition of Health Hazards in Industry, William A. Burgess, John Wiley and Sons, 605 Third Avenue, New York, NY 10158

Chemical Hazards of the Workplace, Nick H. Proctor and James P. Hughes, J.P. Lipincott Company, 6 Winchester Terrace, New York, NY 10022

Threshold Limit Values for Chemical Substances and Physical Agents in the Workroom Environment with Intended Changes, American Conference of Governmental Industrial Hygienists, 6500 Glenway Avenue, Bldg. D-5, Cincinnati, OH

Occupational Health Guidelines, NIOSH/OSHA (NIOSH Pub. No. 81-123) NIOSH/OSHA Pocket Guide to Chemical Hazards

NIOSH Publ. No. 78-120

The Industrial Environment-Its Evaluation and Control, U.S. Department of Health and Human Services, Public Health Service, Center for Disease Control, National Institute for Occupational Safety and Health (NIOSH Pub. No. 74-117)

Specific Standards of the following organizations have been referred to in these rules. Copies of the standards may be obtained from the issuing organization.

American Conference of Governmental Industrial Hygienist, 1014 Broadway, Cincinnati, Ohio 45202

CFR Sections 1910/1926 Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

The majority of the items referred to above are cost items. Any federal or state documents mentioned above are also available at library depositories throughout the state. A list of depositories are on file at the Labor Department.

Hazard Communication Committee

In order to more effectively administer the Oklahoma State Hazard Communication (Right To Know) Standard, the Commissioner shall establish a committee to study emergency response and hazard communication problems.

