

**DRAFT
SAMPLE WRITTEN**

HAZARD COMMUNICATION PROGRAM

For Compliance With

1910.1200

Wyoming General Rules and Regulations

Wyoming Department of Workforce Services
OSHA Division
Consultation Program

ACKNOWLEDGEMENTS

This material was compiled by the staff of the Wyoming OSHA Consultation Program.

NOTE: This sample plan is provided only as a guide to assist in complying with Wyoming OSHA's General Rules and Regulations. It is not intended to supersede the requirements detailed in the standards. Employers should review the standard for particular requirements which are applicable to their specific situation. Employers will need to add information relevant to their particular facility in order to develop an effective program. Employers should note that certain programs are expected to be reviewed at least on an annual basis and updated when necessary.

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The information contained in this document is not considered a substitute for any provision of the standard.

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GUIDE TO COMPLIANCE WITH THE WYOMING HAZARD COMMUNICATION STANDARD

The Hazard Communication Standard applies to virtually all commercial workplaces where employees use or may be exposed to hazardous chemicals. The standard requires an evaluation of the hazards of any chemical which are known to be present in the workplace in such a manner that employees may be exposed under normal conditions of use or in a foreseeable emergency, and that this hazard information and protective measures be transmitted to the employees who are exposed to the chemicals. The following (and also Appendix E of the standard) is a guide to use in developing the four major areas which must be included in the hazard communication program. **You must refer to the hazard communication standard for all specific requirements of the program.**

Application: The Hazard Communication Program **does not apply to:** (See the Hazard Communication Standard for more requirements in each area.)

- a. Any hazardous waste as such term is defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 et seq.), when subject to regulations issued under that Act by the Environmental Protection Agency;
- b. Any hazardous substance as such term is defined by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C. 9601 et seq.) when the hazardous substance is the focus of remedial or removal action being conducted under CERCLA in accordance with Environmental Protection Agency regulations.
- c. Tobacco or tobacco products;
- d. Wood or wood products, including lumber which will not be processed, where the chemical manufacturer or importer can establish that the only hazard they pose to employees is the potential for flammability or combustibility (wood or wood products which have been treated with a hazardous chemical covered by this standard, and wood which may be subsequently sawed or cut, generating dust, are not exempted);
- e. Articles (as that term is defined in paragraph (c) of the Hazard Communication standard);
- f. Food or alcoholic beverages which are sold, used, or prepared in a retail establishment (such as a grocery store, restaurant, or drinking place), and foods intended for personal consumption by employees while in the workplace;
- g. Any drug, as that term is defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), when it is in solid, final form for direct administration to the patient (e.g., tablets or pills); drugs which are packaged by the chemical manufacturer for sale to consumers in a retail establishment (e.g., over-the-counter drugs); and drugs intended for personal consumption by employees while in the workplace (e.g., first aid supplies);
- h. Cosmetics which are packaged for sale to consumers in a retail establishment, and cosmetics intended for personal consumption by

employees while in the workplace;

- i. Any consumer product or hazardous substance, as those terms are defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) respectively, where the employer can show that it is used in the workplace for the purpose intended by the chemical manufacturer or importer of the product, and the use results in a duration and frequency of exposure which is not greater than the range of exposures that could reasonably be experienced by consumers when used for the purpose intended;
 - j. Nuisance particulates where the chemical manufacturer or importer can establish that they do not pose any physical or health hazard covered under this section;
 - k. Ionizing and nonionizing radiation; and,
 - l. Biological hazards.
1. **Written Program.** Employers must prepare a written hazard communication program for their workplaces which at least describes how the criteria specified for labels and other forms of warnings, safety data sheets, and employee information and training will be met. The written program must be made available upon request to employees and will be one of the first things an OSHA Compliance Officer may want to review. Also include in the written program:
- a. **Responsible Person.** Identify by job title who has the responsibility for maintaining the program, the safety data sheets (SDS), conduct training, etc.
 - b. **Hazardous Chemicals List.** Survey the workplace(s) and identify all of the hazardous chemicals in use. Look for label information such as "DANGER", "WARNING", OR "CAUTION" on the product. Prepare a list of all the chemical products which could be considered hazardous. This list must use an identity of the chemical that is cross-referenced on the SDS. WY OSHA's recommendation is that this list be alphabetical (by department if desired) and that the SDS file be maintained in the same order. This will help in locating a particular SDS when time is of essence.
 - c. **Non-Routine Tasks.** The program must include methods employers will use to inform employees of the hazards of non-routine tasks (for example, the cleaning of tanks or other vessels) where a person could be exposed to a hazardous chemical.
2. **Container Labeling.** All containers of hazardous chemicals that you purchase or receive should already be labeled. If not, it is the responsibility of an employer to ensure that it is labeled according to the standard once it is in the workplace. The label must be in English, not defaced, and prominently displayed. The label may have other languages as well. The label must have, but is not limited to; product identifiers, pictograms, signal words, pictures, and symbols. See the paragraph (f) of the

standard for additional requirements.

Be sure that you label/mark any containers which you fill from larger containers during the work process, i.e., spray bottles or use containers, or any waste containers. This labeling requirement does not include portable containers into which hazardous chemicals are transferred from labeled containers, and which are intended only for the immediate use of the employee who performs the transfer. Immediate use means that the hazardous chemical will be under the control of and used only by the person who transfers it from a labeled container and only within the work shift in which it is transferred. However, it's always best to label all containers to avoid mix-ups especially if the chemical were to not be immediately used. You may go above any beyond the Hazard Communication Standard or any other standard.

3. **Safety Data Sheet List.** Ensure that you have the most up to date safety data sheets sheets (SDS) and not material safety data sheets (MSDS). SDS must have 16 sections which provide a wealth of important information for a chemical or product. Have the safety data sheets for all hazardous chemicals known to be present (a three ring binder works great). If you do not have an SDS for a particular product, request one from your supplier - they must provide you with one (it works best if you request the SDS when you order the product). Electronic access to safety data sheets or other alternatives to paper copies of safety data sheets is permitted as long as there are no barriers to immediate employee access in each workplace are created by such options.
4. **Employee Information and Training.** All employees must be provided with effective information and training on hazardous chemicals in their work environment at the time of their initial assignment, and whenever a new chemical hazard the employees have not previously been trained about is introduced into their work area. Although not specifically mentioned in the Standard, employees should be retrained and reinforced if any deficiencies or inadequacies indicate that an employee has not understood or retained the information and training.

Information and training may be designed to cover categories of hazards (e.g., flammability, carcinogenicity) or specific chemicals. Chemical-specific information must always be available through labels and safety data sheets. Employee must be informed of the following:

- a. The requirements of this section;
- b. Any operations in their work area where hazardous chemicals are present; and,
- c. The location and availability of the written hazard communication program, including the required list(s) of hazardous chemicals, and safety data sheets required by this section.

Employees must be trained on the following:

- a. Methods and observations that may be used to detect the presence or release of a

hazardous chemical in the work area (such as monitoring conducted by the employer, continuous monitoring devices, visual appearance or odor of hazardous chemicals when being released, etc.);

- b. The physical, health, simple asphyxiation, combustible dust, and pyrophoric gas hazards, as well as hazards not otherwise classified, of the chemicals in the work area;
 - c. The measures employees can take to protect themselves from these hazards, including specific procedures the employer has implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures, and personal protective equipment to be used; and,
 - d. The details of the hazard communication program developed by the employer, including an explanation of the labels received on shipped containers and the workplace labeling system used by their employer; the safety data sheet, including the order of information and how employees can obtain and use the appropriate hazard information.
5. **Trade Secrets.** The chemical manufacturer, importer, or employer may withhold the specific chemical identity, including the chemical name, other specific identification of a hazardous chemical, or the exact percentage (concentration) of the substance in a mixture, from the safety data sheet, provided that:
- a. The claim that the information withheld is a trade secret can be supported;
 - b. Information contained in the safety data sheet concerning the properties and effects of the hazardous chemical is disclosed;
 - c. The safety data sheet indicates that the specific chemical identity and/or percentage of composition is being withheld as a trade secret; and,
 - d. The specific chemical identity and percentage is made available to health professionals, employees, and designated representatives in accordance with the applicable provisions of this paragraph (i).

Additional requirements regarding trade secrets can be found under paragraph (i) of the Hazard Communication standard.

6. **Multi-employer Workplaces.** Employers who produce, use, or store hazardous chemicals at a workplace in such a way that the employees of other employer(s) may be exposed (for example, employees of a construction contractor working on-site) shall additionally ensure that the hazard communication program developed and implemented under this paragraph (e) include the following:
- a. The methods the employer will use to provide the other employer(s) on-site access to safety data sheets for each hazardous chemical the other employer(s)' employees may be exposed to while working;
 - b. The methods the employer will use to inform the other employer(s) of any precautionary measures that need to be taken to protect employees during the workplace's normal operating conditions and in foreseeable emergencies; and,
 - c. The methods the employer will use to inform the other employer(s) of the

labeling system used in the workplace.

Effective Dates.

- a. Employers shall train employees regarding the new label elements and safety data sheets format by December 1, 2013.
- b. Chemical manufacturers, importers, distributors, and employers shall be in compliance with all modified provisions of this section no later than June 1, 2015, except:
 - i. After December 1, 2015, the distributor shall not ship containers labeled by the chemical manufacturer or importer unless the label has been modified to comply with paragraph (f)(1) of this section.
 - ii. All employers shall, as necessary, update any alternative workplace labeling used under paragraph (f)(6) of this section, update the hazard communication program required by paragraph (h)(1), and provide any additional employee training in accordance with paragraph (h)(3) for newly identified physical or health hazards no later than June 1, 2016.
- c. Chemical manufacturers, importers, distributors, and employers may comply with either § 1910.1200 revised as of October 1, 2011, or the current version of this standard, or both during the transition period.

SAMPLE PROGRAM (Attached)

The attached sample program is provided as a guide to assist you in developing a hazard communication program for your business. It is not intended to supersede the requirements detailed in the standard. You must review the standard for particular requirements which are applicable to your specific situation. You need to add information relevant to your particular company in order to develop an effective program.

HAZARD COMMUNICATION PROGRAM

GENERAL

The following written hazard communication program has been established for _____ (name of company). This program, a listing of hazardous chemicals, and safety data sheets (SDS), will be available at _____ (location) for review by all employees.

POLICY

Education and training will be provided for all employees who may be or potentially may be exposed to hazardous chemicals in the work place. The training will be conducted prior to first exposure to the chemical (during on-the-job orientation and training) and whenever a new hazardous chemical is introduced into the work place. All employees will be informed of the location of the written hazard communication program, chemical listing, and SDS.

CONTAINER LABELING

The _____ (job title or responsible party) will verify that all containers received and used by this company are clearly labeled as to the contents with the appropriate hazard warnings. No containers will be released for use until it is labeled.

Existing labels on incoming containers of hazardous chemicals will not be removed or defaced, unless the container is immediately marked with the required information. DOT shipping labels on containers will not be removed until all residue has been removed from the container.

All employees who transfer hazardous chemicals into portable containers (such as bottles, spray bottles, parts cleaning cans, etc) will ensure that the containers are appropriately labeled and the contents identified.

LIST OF HAZARDOUS CHEMICALS

A list which identifies current hazardous chemicals present in the work place will be maintained, updated, and periodically reviewed. The list is cross-referenced to the SDS. It is kept with this program and SDS, and serves as an index to aid employees in identifying and locating necessary information.

SAFETY DATA SHEETS

It is the responsibility of the _____ (job title or responsible party) to obtain necessary SDS for hazardous materials so a comprehensive SDS file can be maintained. SDS will be maintained in current status.

Copies of the SDS for all hazardous chemicals to which employees may be exposed will be kept at _____ (location) and will be readily available for review to all employees during each workshift.

Subcontractors working on the jobsite are required to bring copies of all SDS for hazardous materials they are bringing on the jobsite to the employer's office so the information is accessible to all employees. It is preferable to have each subcontractor bring their hazardous communication program and SDS in a binder labeled with the contractor's name and identified as a hazardous communication program. Upon leaving the jobsite and the removal of all hazardous materials, they may take their information with them.

A recommendation is for employees to take a copy of the applicable SDS to the medical facility if emergency treatment is necessary due to exposure.

INFORMATION AND TRAINING

Employees will be provided information on the requirements of the Hazard Communication Standard, any operations in their work area where hazardous chemicals are present, and the location and availability of the written hazard communication program, list of chemicals, and safety data sheets.

Training may be either in the classroom or on-the-job, and presented prior to first exposure to the hazardous material. Information and training may be designed to cover categories of hazards or specific chemicals. Chemical-specific information must always be available through labels and SDS. Attendance should be documented.

Employee training will include at least the following:

- a. Methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area (such as monitoring conducted by the employer, continuous monitoring devices, visual appearance or odor of hazardous chemicals when being released, etc.);
- b. The physical, health, simple asphyxiation, combustible dust, and pyrophoric gas hazards, as well as hazards not otherwise classified, of the chemicals in the work area;
- c. The measures employees can take to protect themselves from these hazards, including specific procedures the employer has implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures, and personal protective equipment to be used;

- and,
- d. The details of the hazard communication program developed by the employer, including an explanation of the labels received on shipped containers and the workplace labeling system used by their employer; the safety data sheet, including the order of information and how employees can obtain and use the appropriate hazard information.
 - e. Safety data sheets, and how employees can obtain and use the appropriate hazard information.

If an employee is instructed to use a hazardous material for which he/she has not been trained, it will be their responsibility to inform the employer prior to handling such material, so proper training can be given.

NON-ROUTINE HAZARDOUS TASKS

Since many tasks are not done on a routine basis (for example, boiler cleanout or replacing hazardous chemical piping), they will be handled through specific pre-task actions and training. Before performing non-routine tasks, the supervisor in charge will review applicable SDS; instruct employees in the associated hazards and recommended first aid treatment; and assure all essential personal protective and emergency equipment is available and operational. He or she will notify all other employees working in this area that non-routine tasks are scheduled or being performed.

MULTI-EMPLOYER WORKPLACES

Any contractors working in our place of employment where they may be exposed to chemicals will be informed how to access safety data sheets.

The other employer(s) shall be informed of any precautionary measures that need to be taken to protect employees during the workplace's normal operating conditions and in foreseeable emergencies; and,

The other employer(s) shall be informed of the labeling system used in the workplace.