MODEL WRITTEN
HAZARD COMMUNICATION PROGRAM

For Public Employers in Texas
Subject to the Texas Hazard Communication Act

Prepared by:

Texas Department of State Health Services
Consumer Protection Division
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Hazard Communication Program

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Worker Right-to-Know Program
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I. General Information

A. The Texas Hazard Communication Act (THCA), codified as Chapter 502 of the Texas Health and Safety Code (HSC), requires all public employers 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 – 295.13), the following written Hazard Communication Program has been established for (Pflugerville Independent School District).

B. The master copy of the written hazard communication program will be maintained in (Safety and Security). 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.

C. To facilitate administration of and compliance with this Program, the following levels of responsibility have been established:

1. The (Safety and Security) will have overall responsibility for administering and maintaining this program and ensuring that it meets all requirements of the THCA.

2. Supervisors will be responsible for: (Ensuring all work and chemicals are in compliance with this manual.).

3. Individual employees will be responsible for: (Following safety guidance, storage, procedures, PPE and disposal precautions).

II. Exemptions

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 Commission on Environmental Quality (TCEQ) 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:

1. Labels on incoming containers of chemicals are not removed or defaced

2. This employer complies with Sections 502.006 and 502.009of the THCA with respect to laboratory employees; and

3. 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 not 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 experience by a consumer

H. Radioactive waste.

III. Definitions

A. **"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).

B. **"Categories of Hazardous Chemicals"** – A grouping of hazardous chemicals with similar properties.

C. **"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.

D. **"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 the purposes of this Act.

E. **"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 reasonably foreseeable emergency.

F. **"Hazardous Chemical"** or **"Chemical"** – An element, compound, or mixture of elements or compounds that is a physical hazard or a health hazard.

G. **"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.

H. **"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 Safety Data Sheet (SDS) or Material Safety Data Sheet (MSDS).

I. **"Material Safety Data Sheet" ("MSDS")** – A document containing chemical hazard and safe handling information for the hazardous chemical as determined by the chemical's manufacturer.

J. **"Physical Hazard"** – A chemical which is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive), or water-reactive.

K. **"Personal Protective Equipment"** – Protective equipment provided to an employee by the employer which provides a level of protection to chemicals to which an employee may be exposed that will be adequate to ensure their health and safety based on current industry standards.

L. **"Safety Data Sheet" ("SDS")** – The Hazard Communication Standard (HCS) (29 CFR 1910.1200(g)), aligned with the GHS in 2012, requires that the chemical manufacturer, distributor, or importer provide Safety Data Sheets (SDSs) for each hazardous chemical to downstream users to communicate information on these hazards. Safety Data Sheets were formerly called Material Safety Data Sheets, or MSDSs. The information contained in the SDS is largely the same as the MSDS, except now the SDSs are required to be presented in a consistent, user-friendly, 16 section format.

M. **"Stationary Process Container" –** A tank, vat, or other such container which holds different hazardous chemicals at different times.

N. **"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.

O. **"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.

P. **"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 or a headquarters' workplace or separate workplaces, which is at the discretion of the employer.

IV. Workplace Chemical List……. (HSC §502.005 and 25 TAC §295.4)

A. The (Pflugerville Independent School District) 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. (Employers may use Attachment A, *Model Workplace Chemical List*, to comply with this requirement.)

B. The (District Designated person) will be responsible for reviewing and

updating the Workplace Chemical List(s) for the (Pflugerville Independent School District) as necessary, but at least by December 31 of each year.

C. The Workplace Chemical List will be maintained for at least 30 years.

D. Further information on chemicals list on the Workplace Chemical List can be obtained by referring to the Safety Data Sheet (SDS) or Material Safety Data Sheet (MSDS) located in each workplace where these chemicals are used or stored.

V. Safety Data Sheets and/or Material Safety Data Sheets (HSC §502.006 and 25 TAC §295.5)

A. The (Pflugerville Independent School District) will maintain a current and appropriate Safety Data Sheet (SDS) or Material Safety Data Sheet (MSDS) for each hazardous chemical purchased.

B. The (District Designated person) will be responsible for the SDS/MSDS system for (Pflugerville Independent School District) and will ensure that:

1. Incoming SDSs/MSDSs are reviewed for new and significant health/safety information and that any new information is passed on to the affected employees.

2. Hazardous chemicals received without an SDS or MSDS are withheld from use until a current SDS or MSDS is obtained.

3. Missing SDSs or MSDSs are requested from an appropriate source (e.g. chemical manufacturer, distributor, or electronic database) within 30 days from receipt of the hazardous chemical.

4. Affected employees are provided a description of any alternative system (such as electronic databases) being used in lieu of hard copy SDSs/MSDSs.

5. As SDSs are received from hazardous chemical manufacturers and distributors, they replace the Material Safety Data Sheets on file. Training on both the old MSDSs and the new SDSs should continue throughout the transition period until employers no longer have any of the old MSDSs on site.

6. Emergency responders are provided SDSs/MSDSs as soon as practical upon request.

C. SDS and MSDS files for (Pflugerville Independent School District) will be kept in (Safety and Security).

D. SDSs/MSDSs will be readily available for review by employees or their designated representatives upon request.

VI. Chemical Container Labels ….(HSC §502.007 and 25 TAC §295.6)

A. All containers of hazardous chemicals used or stored by (Pflugerville Independent School District) will be appropriately labeled.

B. The (District Designated person) will be responsible for the hazardous chemical labeling system and will verify that:

1. All **primary containers** of hazardous chemicals are clearly labeled to include:

    a. The identity of the chemical as it appears on the SDS/MSDS

    b. The appropriate hazard warnings

    c. The name and address of the manufacturer

2. All **secondary containers** of hazardous chemicals are clearly labeled to include:

    a. The identity of chemicals as it appears on the SDS/MSDS

b. The appropriate hazard warnings

3. A description of alternative labeling systems, if used, is provided to employees. Examples of alternative labeling systems are the National Fire Protection Association (NFPA) 704m Standard and the Hazardous Materials Information Systems (HMIS) Standard

C. The (Pflugerville Independent School District)

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.

VII. Employee Training Program…(HSC §502.009 and 25 TAC §295.7)

A. The (Pflugerville Independent School District) will provide an education and training program to all employees who routinely use or handle hazardous chemicals in their workplace.

B. The (District Designated person) will be responsible for the employee training program and will ensure that:

1. Appropriate training is provided to all covered employees and includes:

    a. The use of information provided on SDSs/MSDSs and chemical container labels

    b. The location of hazardous chemicals present in the employees' work areas

    c. The physical and health effects of exposure

    d. Proper use of personal protective equipment

e. Safe handling of hazardous chemicals

f. First aid treatment for exposure to hazardous chemicals

g. Safety instruction on clean-up and disposal of hazardous chemicals

2. Required training records are maintained and include:

a. The date of the training session

b. A legible list of all employees attending the training session.

c. The subjects covered

d. The name of the instructors (Employers may use either Attachment B, *Employee Training Roster*, or Attachment C, *Employee Training Sheet*, to comply with this requirement)

3. All covered employees are identified and incorporated into the training program.

4. Employees are provided information concerning the hazardous chemicals to which they may be exposed during the performance of non-routine tasks.

5. New employees are trained prior to their being required to use or handle a hazardous chemical.

6. The need and frequency for periodic/refresher training is assessed.

C. Employees subject to these training requirements will sign an attendance roster for each training session attended, verifying that they received and understood the information.

VIII. Reporting Employee Deaths and Injuries…(HSC §502.012 and 25 TAC §295.9)

IX. The (Pflugerville Independent School District)

will notify the Texas Department of State Health Services, Consumer Protection Division, Environmental Operations 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.

B. The (Safety and Security) will be responsible for reporting all such accidents to the Texas Department of State Health Services, Consumer Protection Division, Environmental Operations Branch, within 48 hours after their occurrence. Notifications will be made either orally or in writing to:

Texas Department of State Health Services
Consumer Protection Division
Environmental Operations Branch
Hazard Communication Program
PO Box 149347, MC 2835
Austin, TX 78714-9347

Phone: (512) 834-6787
Fax: (512) 483-3414

C. Employees will be responsible for reporting all accidents involving a hazardous chemical to their supervisor.

D. Supervisors will be responsible for reporting all accidents involving a hazardous chemical to (Safety and Security) .

IX. Posting the Notice to Employees…(HSC §502.0017 and 25 TAC §295.12)

A. The (District Designated person) will post or stored the most

and maintain in all workplaces where hazardous chemicals are used current version of the THCA *Notice to Employees,* informing employees of their rights under the THCA. (See attachment D, *Notice to Employees*)

B. The *Notice to Employees* 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.

C. In workplaces where employees that have difficulty reading or understanding English may be present, a copy of the *Notice to Employees*, printed in Spanish, will be posted together with the English version. (See attachment E, *Notice to Employees,* Spanish version (*Aviso Al Empleado*)

D. Additional copies of the *Notice to Employees*, in both English and Spanish, are available on the Hazard Communication Worker Right-To-Know website at http://www.dshs.state.tx.us/hazcom/ or on request from the Environmental Operations Branch, at the address or telephone number listed on the cover page of this written program.

X. Personal Protective Equipment…(HSC §502.017 and 25 TAC §295.12)

A. The (Pflugerville Independent School District) will provide appropriate personal protective equipment (PPE) to all employees who use or handle hazardous chemicals.

B. The (Pflugerville Independent School District) will assume overall

responsibility for the PPE program and will ensure that appropriate equipment and training are provided, to include:

1. Proper selection of PPE based on:

    a. Routes of entry

    b. Permeability of PPE material

c. Duties being performed by the employee

d. Hazardous chemicals present

2. Proper fit and functionality of PPE as described by the manufacturer's specifications

3. Appropriate maintenance and storage of PPE

XI. Maintaining Employee Rights… (HSC §502.017 and 25 TAC §295.12)

A. The (Pflugerville Independent School District) shall not discipline, harass, or discriminate against any employee for filing complaints, assisting inspectors of the Texas Department of State Health Services, participating in proceedings related to the Texas Hazard Communication Act, or exercising any rights under the Act.

B. Employees cannot waive their rights under the Texas Hazard Communication Act. A request or requirement for such a waiver by an employer is a violation of the Act.

The Consumer Protection Division, Environmental Operations Branch welcomes your questions or comments regarding this Model Written Hazard Communication Program, the Texas Hazard Communication Act, or any aspect related to the administration and enforcement of the Act. You may contact the Texas Department of State Health Services, Environmental Operations Branch, at:

Texas Department of State Health Services
Consumer Protection Division
Environmental Operations Branch
Hazard Communication Program
PO Box 149347, MC 2835
Austin, TX 78714-9347
Phone: (512) 834-6787
Fax: (512) 483-3414

XII. Attachments

A. Workplace Chemical List

B. Employee Training Roster

C. Employee Training Sheet

D. Notice to Employees (English version)

E. Notice to Employees (Spanish version)

Workplace Chemical List

Name of Workplace, Work Area, or Temporary Workplace:

_____

Identity Used on the Safety Data Sheet & Container Label	Work Area	Quantity (optional)	Unit Size (optional)

Workplace Chemical List Prepared By: _____
Name (Printed)

_____
Signature (Required)

Date of Preparation:_____(This form must be updated annually.)

Employee Training Roster

Texas Hazard Communication Act, Section 502.009(g)

Department / Work Area: _____

Instructor:_____Date:_____

Employee Name (print)	Employee Signature	Job Title

Employee Training Roster (continued)

A. Per Sections 502.009(c) and (g) of the Texas Hazard Communication Act (THCA), the following subject(s) were covered in this training:

- ☐ Reading and interpreting chemical container labels
- ☐ Reading and interpreting alternative labeling systems, if such labeling systems are being used by the employer
- ☐ Reading and interpreting Safety Data Sheets (SDSs) and/or Material Safety Data Sheets (MSDSs)
- ☐ Location of hazardous chemicals in the workplace
- ☐ Physical and health effects of exposure
- ☐ Proper use of personal protective equipment
- ☐ First aid treatment for exposure
- ☐ Safety instruction on handling, cleanup and disposal procedures

B. Per Section 502.009(g) of the THCA, training was conducted based on:

- ☐ Categories of hazardous chemicals
- ☐ Individual hazardous chemicals

C. This hazard communication training was provided as:

- ☐ Initial training per Section 502.009(a) and (f) of the THCA
- ☐ Periodic/refresher training per Section VII(B)(6) of this Written Hazard Communication Program

Employee Training Sheet

Texas Hazard Communication Act, Section 502.009(g)

Department / Work Area: _____

Instructor:_____Date: _____

Per Sections 502.009(c) and (g) of the Texas Hazard Communication Act (THCA), the following subject(s) were covered in this training:

- ☐ Reading and interpreting chemical container labels
- ☐ Reading and interpreting alternative labeling systems, if such labeling systems are being used by the employer
- ☐ Reading and interpreting Safety Data Sheets (SDSs) and/or Material Safety Data Sheets (MSDSs)
- ☐ Location of hazardous chemicals in the workplace
- ☐ Physical and health effects of exposure
- ☐ Proper use of personal protective equipment
- ☐ First aid treatment for exposure
- ☐ Safety instruction on handling, cleanup and disposal procedures

Per Section 502.009(g) of the THCA, training was conducted based on:

- ☐ Categories of hazardous chemicals
- ☐ Initial training per Section 502.009(a) and (f) of the THCA
- ☐ Periodic / refresher training per section VII(B)(6) of this Written Hazard Communication Program

Employee:_____ Date: _____
(Printed)

Employee: _____
(Signature)

Instructor: _____
(Signature)

NOTICE TO EMPLOYEES

The Texas Hazard Communication Act, codified as Chapter 502 of the Texas Health and Safety Code, requires public employers to provide employees with specific information on the hazards of chemicals to which employees may be exposed in the workplace. As required by law, your employer must provide you with certain information and training. A brief summary of the law follows.

HAZARDOUS CHEMICALS

Hazardous chemicals are any products or materials that present any physical or health hazards when used, unless they are exempted under the law. Some examples of more commonly used hazardous chemicals are fuels, cleaning products, solvents, many types of oils, compressed gases, many types of paints, pesticides, herbicides, refrigerants, laboratory chemicals, cement, welding rods, etc.

WORKPLACE CHEMICAL LIST

Employers must develop a list of hazardous chemicals used or stored in the workplace in excess of 55 gallons or 500 pounds. This list shall be updated by the employer as necessary, but at least annually, and be made readily available for employees and their representatives on request.

EMPLOYEE EDUCATION PROGRAM

Employers shall provide training to newly assigned employees before the employees work in a work area containing a hazardous chemical. Covered employees shall receive training from the employer on the hazards of the chemicals and on the measures they can take to protect themselves from those hazards. This training shall be repeated as needed, but at least whenever new hazards are introduced into the workplace or new information is received on the chemicals which are already present.

SAFETY DATA SHEETS

Employees who may be exposed to hazardous chemicals shall be informed of the exposure by the employer and shall have ready access to the most current Safety Data Sheets (SDSs) or Material Safety Data Sheets (MSDSs) if an SDS is not available yet, which detail physical and health hazards and other pertinent information on those chemicals.

LABELS

Employees shall not be required to work with hazardous chemicals from unlabeled containers except portable containers for immediate use, the contents of which are known to the user.

EMPLOYEE RIGHTS

Employees have rights to:

- access copies of SDSs (or an MSDS if an SDS is not available yet)
- information on their chemical exposures
- receive training on chemical hazards
- receive appropriate protective equipment
- file complaints, assist inspectors, or testify against their employer

Employees may not be discharged or discriminated against in any manner for the exercise of any rights provided by this Act. A waiver of employee rights is void; an employer's request for such a waiver is a violation of the Act. Employees may file complaints with the Texas Department of State Health Services at the telephone numbers provided below.

EMPLOYERS MAY BE SUBJECT TO ADMINISTRATIVE PENALTIES AND CIVIL OR CRIMINAL FINES RANGING FROM $50 TO $100,000 FOR EACH VIOLATION OF THIS ACT

Further information may be obtained from:

Texas Department of State Health Services
Consumer Protection Division
Environmental Operations Branch
PO Box 149347, MC 2835
Austin, TX 78714-9347

(512) 834-6787
(800) 293-0753 (toll-free)
Fax: (512) 483-3414
E-mail: TXHazComHelp@dshs.texas.gov
Website: www.dshs.texas.gov/hazcom

TEXAS Health and Human Services | Texas Department of State Health Services

Worker Right-To-Know Program
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AVISO AL EMPLEADO

La Ley de Comunicación sobre Peligros de Texas, codificada como el capítulo 502 del Código de Salud y Seguridad de Texas, exige que los empleadores públicos le provean a los empleados información específica sobre los peligros de los químicos a los que los empleados podrían estar expuestos en el centro de trabajo. Según exige la ley, su empleador debe proveerle cierta información y capacitación. A continuación presentamos un breve resumen de la ley.

QUÍMICOS PELIGROSOS

Los químicos peligrosos son cualquier producto o material que represente algún peligro físico o de salud al ser usado, a menos que este quede exento bajo la ley. Como ejemplos de químicos peligrosos más comúnmente usados están los combustibles, los productos de limpieza, los solventes, muchos tipos de aceite, los gases comprimidos, muchos tipos de pintura, los pesticidas, los herbicidas, los refrigerantes, los químicos de laboratorio, el cemento, las varillas de soldadura, etc.

LISTA DE QUÍMICOS EN EL CENTRO DE TRABAJO

Los empleadores deben desarrollar una lista de los químicos peligrosos usados o almacenados en el centro de trabajo que sobrepasen los 55 galones o las 500 libras. El empleador debe renovar la lista de ser necesario, y al menos anualmente, y debe ponerla a fácil disposición de los empleados y de sus representantes al esta ser solicitada.

PROGRAMA DE INSTRUCCIÓN DEL EMPLEADO

Los empleadores deben proveerle capacitación a los empleados recién asignados antes de que los empleados trabajen en un área de trabajo que contenga químicos peligrosos. Los empleados contemplados en la ley deben recibir capacitación

del empleador sobre los peligros de los químicos y sobre las medidas que ellos mismos pueden tomar para protegerse de dichos peligros. La capacitación debe repetirse de ser necesario, y al menos cuando se introduzcan nuevos peligros en el centro de trabajo o se reciba nueva información sobre los químicos que ya están presentes.

HOJAS DE DATOS DE SEGURIDAD

El empleador debe informar de la exposición a los empleados que pudieran estar expuestos a químicos peligrosos y ellos deben tener acceso fácil a las hojas de datos de seguridad (SDS) o las hojas de datos de seguridad del material (MSDS) más recientes si es que todavía no hay una SDS disponible, las cuales detallen los peligros físicos y de salud y cualquier otra información pertinente sobre dichos químicos.

ETIQUETAS

No se requerirá que los empleados trabajen con químicos peligrosos provenientes de contenedores que no están etiquetados con excepción de los contenedores portátiles de uso inmediato, el contenido de los cuales el usuario conoce.

DERECHOS DEL EMPLEADO

Los empleados tienen derecho a:

- acceder a copias de las SDS (o una MSDS si es que todavía no hay una SDS disponible)
- la información sobre sus exposiciones químicas
- recibir capacitación sobre los peligros químicos
- recibir el equipo protector apropiado
- presentar quejas, asistir a los inspectores y testificar en contra de su empleador

No se despedirá a los empleados ni se les discriminará de ninguna manera por ellos ejercer cualquiera de los derechos que esta ley estipula. Las renuncias de derechos del empleado no tienen ninguna validez; el que el empleador solicite ese tipo de renuncia infringe esta ley. Los empleados pueden presentar sus quejas ante el Departamento Estatal de Servicios de Salud de Texas llamando al teléfono sin costo provisto abajo.

LOS EMPLEADORES PODRÍAN ESTAR SUJETOS A SANCIONES ADMINISTRATIVAS Y A MULTAS CIVILES O PENALES QUE VAN DESDE LOS $50 HASTA LOS $100,000 DÓLARES POR CADA INFRACCIÓN DE ESTA LEY

Puede obtener mayor información en:

Texas Department of State Health Services
Consumer Protection Division
Environmental Operations Branch
PO Box 149347, MC 2835
Austin, TX 78714-9347

(512) 834-6787
(800) 293-0753 (llamada gratuita)
Fax: (512) 483-3414
E-mail: TXHazComHelp@dshs.texas.gov
Website: www.dshs.texas.gov/hazcom

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