

Minnesota State University Moorhead Employee Right to Know Program

The 1983 Minnesota Employee Right-To-Know Act (MNERTKA) requires employers to evaluate their work environments and provide specific training and information for all employees who may be exposed to any hazardous substances, harmful physical agents, or infectious agents. Laboratory employees who fall under the Laboratory Standard shall defer to the Chemical Hygiene Plan (CHP). Employees may, under certain circumstances, refuse to work if they have not been given proper training and information or if they are in immediate danger from hazardous or physical agents. In order to comply with the MNOSHA Employee Right-To-Know (ERTK) Standard, the following written program has been established.

Purpose:

To protect employees from overexposure to hazardous chemicals, harmful physical agents, or infectious agents by providing employees with the knowledge of the hazards to understand why protective measures are required so they can protect themselves.

Scope:

Employees routinely exposed to hazardous chemicals, harmful physical agents (heat, noise, radiation) or infectious agents on MSUM campus are covered under this program.

Responsibilities:

Departments/Supervisors:

- Ensure all affected employees are provided ERTK training and records are maintained
- Develop and maintain an inventory of all hazardous chemicals stored or used in the workplace, ensure the inventory is available to affected employees
- Ensure Safety Data Sheets are present for all hazardous chemicals in the workplace and are readily available to employees
- Ensure all primary and secondary containers of hazardous chemicals are properly labeled and legible
- Assess chemical hazards, select and provide the appropriate Personal Protective Equipment (PPE) for employees; ensure training for PPE use and maintenance is completed
- Ensure standard operating procedures are established (written) and available to employees performing “non-routine” tasks involving hazardous chemicals.
- Provide training to employees regarding hazards in the workplace including precautions and equipment for safe use, signs and symptoms of overexposure, and when new chemicals are introduced in the workplace
- Develop job specific training including safe work practices and procedures to follow in an emergency
- Ensure all training records are maintained and are up to date
- Inform contractors of potential hazards which may be encountered during their work at the University including access to safety data sheets

Employees:

- Comply with the guidelines set forth in this plan and be capable of recognizing workplace hazards and addressing them with their supervisor
- Complete initial and annual employee training
- Follow safe practices
- Learn the hazards and safe operating procedures for the job
- Attend required Employee Right-to-Know training

Environmental Health & Safety:

- Serve as the Employee Right-to Know Program Coordinator
- Review and update the program, as necessary
- Provide the written program upon request for departmental use
- Assist departments in training, plan implementation and PPE selection and use

Contractors:

- Inform and provide MSUM departments with a chemical inventory and safety data sheets for the materials that will be introduced into the work area in the course of their work at MSUM
- Provide information regarding where chemicals will be used and stored

Right-to-Know Program**I. Hazard Reduction**

Whenever feasible, less hazardous products or processes will be used in place of more hazardous products or processes. The cost of protective measures and disposal must be factored into the cost of the new product, when evaluating its cost-effectiveness. The Department Head, Supervisor, and Safety Administrator will be consulted whenever the use of any new product or process is considered.

II. Hazard Inventory**A. Physical Hazards:**

1. Noise: Areas where employees routinely work with power tools, compressed air, noisy equipment etc. If noise levels exceed 85db, compliance with Occupational Exposure to Noise Standard, 29 CFR 1910.95 is required.
2. Temperature extremes: Areas of potential excessive heat or cold exposures such as employees who routinely work outside.
3. Ionizing radiation: Areas with potential sources of X-rays and/or radioactive materials. (See OSHA standard 29 CFR 1910.1096).
4. Nonionizing Radiation: Areas with sources of nonionizing radiation. (See OSHA standard 29 CFR 1910.1097).

B. Chemical hazards:

1. Includes any substance which has been shown to cause harmful health effects in laboratory studies or field experience. They include:
2. Specific products, if they contain any hazardous ingredient present in amounts above 1% (or 0.1% for carcinogens). Example: paints, part cleaners, cleaning products, etc.
3. Solid materials which are worked on or broken down in a specific process. Example: Dusts from grinding, asbestos, etc.
4. Processes which produce hazardous fumes, mists, vapors, gases or dusts. Examples: Operating diesel or gasoline equipment, cleaners, welding vapors, etc.

C. Infectious Agents:

1. The Supervisor will work with the Safety Administrator to identify the infectious agents that are present in the work area and provide information and training to employees who are routinely exposed to those substances or agents in either the course of their normal workday or during a foreseeable emergency. Infectious agents include bacterial, viral, fungal, parasitic, and rickettsia agents.
2. If employees are exposed to blood as part of their job duties, the campus must develop and implement an Exposure Control Plan meeting the requirements of the Occupational Exposure to Bloodborne Pathogens standard, 29 CFR 1910.1030. If *all* infectious agents to which employees may be exposed are covered as part of the Exposure Control Plan, that plan will be considered as meeting the ERTK requirement for a written program for infectious agents.

III. **Safety Data Sheets**

Minnesota State University Moorhead will develop an inventory of hazardous substances used in the workplace. A copy of this inventory and the related Safety Data Sheets (SDSs) and fact sheets are available in each department where exposure to hazardous substances and harmful physical and/or infectious agents exists. SDSs must be accessible, current, and available for review by employees. A SDS must be obtained each time a new substance is ordered.

Each department will be responsible for obtaining, maintaining, and updating their safety data sheet system. The departmental supervisor will review all incoming data sheets, noting new and/or significant health and safety information. They will see that any new information is passed on to the affected employees.

The University will maintain the SDS inventory of chemicals through an online data base program, [MSDSonline](#). MSDSonline is an extensive, web-based searchable database that is accessible 24 hours/day 365 days/year. This program allows easy access to all SDSs used on campus and provides a central location for all SDSs. The University has established its own "e-binder" subdivided into specific departments listing the required SDSs for each. All computers with Minnesota State University Moorhead IP addresses have access to the

system. This online service does not replace the requirement to maintain hard copies of all SDSs.

If an SDS is not available for a particular chemical, physical agent, or infectious agent, immediately contact the product manufacturer or the Program Coordinator.

A Safety Data Sheet must accompany all vendor samples.

IV. Labels

Labeling of all containers with hazardous substances or materials is the responsibility of the department using the product. The minimum labeling requirements are:

- Identity of the hazardous substance (product identifier) clearly labeled-same as MSDS.
- Signal word (Danger or Warning)
- Hazard statements
- Pictograms
- Precautionary statements
- Name, address, and phone number of the manufacturer

The supervisor in each department will ensure that all secondary containers into which chemicals are transferred are labeled with the identity and appropriate hazard warnings.

Unlabeled portable, secondary containers should only be used by one employee during their shift. If the secondary containers are used by more than one employee, the supervisor is responsible for labeling the container with either a copy of the GHS shipping label or a workplace label that meets the minimum labeling requires stated previously.

The Safety Administrator will work with the departmental supervisor to ensure that all equipment or work areas that generate harmful physical agents at a level that may be expected to approximate or exceed permissible exposure limits are labeled with the following:

- Name of the physical agent
- Appropriate hazard warning (Examples: "Potential HEAT STRESS AREA – Training required" or "HIGH NOISE AREA – Hearing protection required")

V. Training

Prior to an employee's initial assignment to work with hazardous substances, harmful physical agents, or infectious agents the employee must receive necessary training. It is the supervisor's responsibility to ensure that training is provided. All records of training should be sent to Environmental Health and Safety for filing.

Refresher training must also be completed on an annual basis.

Training on hazardous chemicals/substances will include:

- An overview of requirements of the MNERTKA standard
- Chemicals present in their work areas
- Location and availability of written MNERTKA program
- Physical and health effects of hazardous chemicals
- Methods and observation techniques used to determine the presence or release of hazardous chemicals in work area
- How to lessen or prevent exposure to these hazardous chemicals by using good work practices, personal protective equipment, etc.
- Steps taken to lessen or prevent exposure to these chemicals or physical agents
- Emergency procedures to follow if exposed to chemicals
- How to read labels and SDS for hazard information
- Location of SDS file and location of hazardous chemical list

Training on harmful physical agents for employees routinely exposed at levels that approximate or exceed the permissible exposure limit or applicable action level will be provided the following information:

- The name or names of the physical agent including any commonly used synonym
- The level at which exposure to the physical agent has been restricted
- The known acute (extremely severe, reaching crisis rapidly) and chronic (prolonged, lingering) effects of exposure at hazardous levels
- Known symptoms
- Appropriate emergency treatments
- Known proper conditions for exposure to the physical agent
- The name, phone number, and address, if appropriate, of a manufacturer of the equipment which generates the harmful physical agent
- Where a copy of all of the above information is kept in the work area

VI. Hazardous Non-Routine Tasks

All non-routine tasks involving exposure to hazardous chemicals, harmful physical agents or infectious agents shall be performed only after consultation with the supervisor department head. They will review the task and chemicals or agents to be used or encountered, based on a thorough description to be provided by the Safety Administrator. They will establish safety and health measures to be implemented by the employee.

VII. Right to Refuse Work

Under the Minnesota Employee Right-To-Know Act, <https://www.revisor.mn.gov/rules/5206/> employees have the right to refuse work in conditions they believe may be imminently dangerous to their lives or health. Employees will not be punished in any way for any legitimate refusals to work because of dangerous conditions. If an employee believes conditions are imminently dangerous, the following procedure must be followed:

- Employee notifies Department Head/Safety Administrator and requests the problem to be rectified.

- Until the problem is addressed and rectified, the Department Head in consultation with Safety Administrator may assign the concerned employee to another task.
- If the Department Head/Supervisor does not respond to the employee's complaint, the employee should notify the Safety Administrator and/or the Campus Safety Committee.
- If there is still no response, the employee can contact MNOSHA. MNOSHA will investigate the employee concern for non-compliance with ERTK regulations. The campus has an obligation and regulatory requirement to address and rectify all non-compliance ERTK concerns, identified by MNOSHA per specified timeline. The campus may not dock the employee for any lost time because of employee's refusal to work.

VIII. Record Keeping

Environmental Health and Safety must maintain the following records:

- An attendance record (3 years)
- A training session record documenting the date, trainer, summary/outline, handouts, etc. (3 years)
- Safety Data Sheets (30 years)

IX. Contractors/ Vendors

The campus must ensure all pertinent hazard information is shared with the contractors/vendors whose employees may be affected by potential exposure to hazardous substances and harmful physical agents or infectious agents present on the campus. The contractors/vendors are responsible for the safety of their area, assuring their employees are trained in all hazards to which they may be exposed even if the exposure is caused by the work of campus employee(s).

Reference:

Minnesota's Employee Right to Know Law is Minnesota Occupational Safety and Health (MNOSHA) Rules 5206.0100-1200.