Minnesota Department of Corrections

Policy Number:	**105.150**
Title:	**Right to Know Program**
Effective Date:	**11/5/19**

PURPOSE: To provide guidelines for the implementation, control, and use of all flammable, toxic, and caustic materials and hazardous waste programs, and provide an organized system of regulations for the acquisition, storage, and use of such materials. These controls include careful direction or programs of procurement, storage control, and use of all hazardous materials. These substances and agents include:

A. Chemicals;
B. Heat;
C. Noise (per Policy 105.114 "Hearing Conservation Program");
D. Ionizing and non-ionizing radiation (per Policy 105.122, "Cabinet X-Ray Radiation Safety Program"); and
E. Infectious agents, including infectious diseases (Policy 105.170, "Bloodborne Pathogen Exposure Control Plan," and Policy 500.017, "Health Services Infection Control").

APPLICABILITY: Department-wide

DEFINITIONS:

Acid – corrosive materials whose water solutions contain hydrogen ions (H+). In sufficient amounts, these materials burn, irritate, or destructively attack organic tissues such as the skin, lungs, and stomach.

Base – corrosive materials whose water solutions contain hydroxyl ions (-OH). In sufficient amounts, these materials burn, irritate, or destructively attack organic tissues such as the skin, lungs, and stomach.

Caustic – material or element able to burn, corrode, dissolve or otherwise eat away by chemical reaction.

Chemical – any element, chemical compound or mixture of elements and/or compounds.

Combustible liquid – materials with a flash point at or above 100° F.

Corrosive – any solid, liquid or gas that irritates or destructively attacks organic tissues such as the skin, lungs, or stomach.

Flammable liquid – a liquid with a flash point below 100° F.

Flash point – the minimum temperature at which a liquid gives off vapor in sufficient concentration to form an ignitable mixture with the air above the surface of the liquid.

Harmful physical agent – as defined in Minn. Rule 5206.0100, subp. 6 (2008).

Hazardous substance – as defined in Minn. Rule 5206.0100, subp. 7 (2008).

Hazard warning – as defined in Minn. Rule 5206.0100, subp. 7a (2008).

Immediate use container – as defined in Minn. Rule 5206.0100, subp. 10 (2008).

Irritant – a chemical that is not a corrosive, but causes a reversible inflammatory effect on living tissue by chemical action at the site of contact.

Non-routine tasks – duties occurring outside the scope of the normal course of assigned work (e.g., confined space entry or tank cleaning).

Physical hazard – a chemical that has scientifically valid evidence that it is a/an combustible liquid, compressed gas, explosive, flammable, organic peroxide, oxidizer, pyrophoric, unstable (reactive), or water reactive.

Process and secondary container – portable containers that hazardous chemicals are transferred into from labeled containers, and are intended only for immediate use of the employee who performs the transfer. The secondary container must be labeled.

Routinely exposed – as defined in Minn. Rule 5206.0100, subp. 17 (2008).

Safety data sheet (SDS) – any data sheet containing information required under Minn. Rules 5206.0700, subparts 2 and 3, or in accordance with 29 C.F.R. § 1910.1200 (g) (2012), regarding the physical, chemical and hazardous properties of a substance or mixture. The sheet provides a summary of health and safety information on the chemical provided by the chemical manufacturer. Information provided on a standard SDS includes: product identification, potential health hazards including symptoms and routes of entry, physical properties, fire and explosion hazards, reactivity data, spill or leak procedures, emergency first aid for exposure, and protective equipment to be used. SDS formats may vary from supplier to supplier, but the type of information provided must be consistent.

Signal word – a word used to indicate the relative level of severity of hazard and alert the reader to a potential hazard on the label. The signal words used are "danger" and "warning." "Danger" is used for the most severe hazards, while "warning" is used for the less severe.

PROCEDURES:

A. General

1. Each area supervisor must maintain current and accurate inventories of flammable, toxic or caustic materials. Flammable, toxic or caustic materials stored in offender areas must be in a secure area and dispensed only by staff.

2. Hazardous materials or chemical products must not be brought into a facility unless acquired through the procedures outlined in this policy and acquired through the department-approved purchasing procedure. Supervisors ensure a safety data sheet (SDS) for each product is on hand prior to its use in their areas. The site safety administrator must approve storage areas for hazardous material/chemicals. Hazardous material/chemicals must not be used, traded, or stored in any other area of the facility other than the designated areas.

3. The site safety administrator is responsible for the management of the right to know program. All persons using hazardous materials/chemicals must follow safety precautions, wear personal protective equipment (PPE) when necessary, and report all hazardous spills immediately to their supervisor and/or the site safety administrator. The site safety administrator maintains a master file of all SDS on each chemical in a designated area(s).

4. All facilities must identify, collect, store, and dispose of all generated hazardous waste in accordance with state and local mandated requirements. The site safety administrator/designee manages identified hazardous wastes and maintains all required records in a designated location.

5. Pollution prevention is a priority to Minnesota correctional facilities and staff at each facility must undertake activities to reduce their generation of solid and hazardous waste and use of toxic chemicals and resources.

B. Staff responsibilities

Staff must:

1. Report any suspected problems arising from hazardous material/chemicals to the area supervisor. The area supervisor, if necessary, contacts the watch commander, department head, and site safety administrator for remedial action/investigation.

2. Report any misuse of a hazardous material/chemical to the appropriate supervisor for correction. At the supervisor's discretion, the staff person must write an incident report.

3. Ensure that hazardous materials or chemicals are not brought into the facility, if the material/chemical has not been acquired through the approved purchasing procedure.

4. Use all materials in accordance with good safety practices and the manufacturer's safety data sheet (SDS).

5. Ensure proper storage, security, inventory, and use of all hazardous material/chemicals in their areas.

6. Ensure that all staff or offenders suffering any signs or symptoms of overexposure or accident with a hazardous material/chemical receive immediate medical treatment.

C. Hazard determination

The manufacturer or importer of a chemical must determine if the chemical products are hazardous under the Occupational Safety and Health Administration's (OSHA) hazard code system. The department is not responsible for testing any materials purchased to determine hazard properties. The site safety administrator must be aware of minimal hazard determination procedures.

1. Hazard class labels on containers must coincide with the hazards described on the SDS. For example, if the SDS states that the material is not poisonous, but the shipping label states "poison," the area supervisor or site safety administrator must contact the supplier to resolve the discrepancy.

2. If staff experience has shown the material to have a different hazard than stated on the SDS, the area supervisor or site safety administrator must contact the supplier for explanation and clarification.

D. Requisition and receiving of hazardous materials/chemicals

1. Staff must review the master chemical online to determine if the facility has an SDS prior to submitting an electronic inter-office requisition (EIOR) for hazardous materials or chemicals. If there is an SDS, staff may submit a purchase order. If there is not an SDS, the site safety administrator must approve the product and ensure that an SDS is sent with

the product by requesting it on the EIOR. When a new SDS is received, staff must send it to the site safety administrator.

2. When an SDS is received, the site safety administrator reviews the data, the hazard, and updates the SDS online database on the safety iShare site if necessary.

3. Staff who receive non-purchased vendor samples must submit all samples and SDSs to the site safety administrator for approval.

E. Chemicals in unlabeled pipes

Prior to starting work in areas that have unlabeled pipes, the employee must contact the facility physical plant director for information regarding:

1. The chemical in the pipes;
2. Potential hazards; and
3. Safety precautions to be taken.

F. Physical agent labeling (noise, heat, ionizing and non-ionizing radiation)

The facility physical plant director or safety administrator must label all equipment or work areas that generate harmful physical agents at a level which may be expected to approximate or exceed the permissible exposure limit (PEL). Facilities having these areas must maintain procedures to identify these areas, precautions to be observed in the areas (including PPE), and signs and symptoms of overexposure to those agents; for more information, refer to Policy 105.122, "Cabinet X-Ray Radiation Safety Program" and Policy 105.114, "Hearing Conservation Program."

G. Container labeling

1. The supervisor of each area must ensure that all containers received are clearly labeled indicating the contents, the appropriate hazard warning, and the name and address of the manufacturer.

2. The supervisor in each area ensures that all secondary containers are labeled with either an extra copy of the original manufacturer's label or with labels that have the identity and the appropriate hazard warning. The supervisor may contact the site safety administrator for help with labeling.

3. The site safety administrator consistently reviews and updates the labeling procedures as required.

H. Hazard rating labels

The supervisor of an area that uses chemicals must ensure that containers are properly labeled. A hazard rating label is optional if the container is already appropriately labeled. The label must indicate the level of hazard numerically on a scale ranging from four (severe hazard) to zero (no special hazard). The information must be presented in a diagram as follows: color backgrounds must be used for the four categories: health hazard – blue; flammability – red; reactive (instability) – yellow; protective equipment or other specific information – white. Secondary containers may use the hazard rating label. At minimum, a secondary container label must provide specific information regarding the hazards of the chemicals that are immediately available to the employee.

1. Health hazard

   There are two sources of health hazards. One arises out of the inherent properties of the material. The other arises out of the toxic products of combustion or decomposition of the

material. The hazard degree is assigned on the basis of normal usage conditions. The common hazards from the burning of ordinary combustible materials are not included. The degrees of hazard are ranked according to the probable severity to personnel as follows:

4 Extreme highly toxic – may be fatal on short term exposure. Special protective equipment required;
3 Serious toxic – avoid inhalation or skin contact;
2 Moderate to moderately toxic – may be harmful if inhaled or absorbed;
1 Slight to slightly toxic – may cause slight irritation; or
0 Minimal – all chemicals have some degree of toxicity.

2. Flammability susceptibility to burning is the basis for assigning degrees within this category.

4 Extreme – extremely flammable gas or liquid. Flash point below 73° F;
3 Serious – flammable. Flash point 73° to 100° F;
2 Moderate – combustible. Requires moderate heating to ignite. Flash point 100° to 200° F;
1 Slight – slightly combustible. Requires strong heating to ignite; or
0 Minimal – does not burn under normal conditions.

3. Reactivity (instability)

The assignment of degrees in the reactivity category is based upon the susceptibility of materials to release energy either by themselves or in combination with water. Fire exposure was one of the factors considered along with conditions of shock and exposure.

4 Extreme – explosive at room temperature;
3 Serious – may explode if shocked, heated under confinement or mixed with water;
2 Moderate – unstable, may react with water;
1 Slight – may react if heated or mixed with water; or
0 Minimal – normally stable, does not react with water.

I. Safety data sheets

1. The site safety administrator is responsible for establishing and monitoring the facility SDS program. The site safety administrator and requesting supervisor must make sure procedures are developed to obtain the necessary SDS and must review incoming SDS for new or significant health and safety information. The area supervisor ensures that any new information is passed on to the affected staff. If an SDS is not received at the time of the initial shipment, the site safety administrator or area supervisor must contact the vendor and request the SDS.

2. Copies of SDS for all hazardous chemicals to which staff are exposed or are potentially exposed are kept online on the safety iShare site.

3. The site safety administrator ensures that SDS are readily available to all employees during each work shift. If an SDS is not available, the employee may contact the supervisor of that area and must notify the site safety administrator. SDS are also available to offender/resident workers upon request.

4. The site safety administrator ensures that updated SDS are placed in the online file. The site safety administrator maintains files of outdated SDS for 30 years.

J. Inventory and control

All flammable, toxic, or caustic materials with a hazard rating of two or greater in the health, flammability, or reactivity sections, or a signal word of "danger," are required to be controlled. A current and accurate inventory needs to be maintained also. Facilities must adhere to the following guidelines for all substances meeting these criteria:

1. Constant and accurate inventories need to be maintained in each area and logged on the Control Log for Issuing Chemicals (attached);
2. The substances must be issued only under the supervision of authorized staff;
3. All substances must be issued in the amount necessary for one day's use;
4. All offenders using the issued substances must be authorized by staff;
5. Substances that do not contain one or more of the identified properties, but are labeled "keep out of reach of children" or "may be harmful if swallowed" are not prohibited; and
6. Concentrated and diluted products with a hazardous rating zero or one for health, flammability, and reactivity, or a signal word of "warning," do not meet the definition of toxic, flammable, or reactive materials. These products do not require issue logs, but all containers must be labeled.

K. Chemical dispensing and inventory control procedures

1. Staff must store bulk quantities of chemicals in lockable closets and cabinets accessible only to staff.

2. Staff must ensure all bulk and secondary containers (including spray bottles) are labeled with chemical name and hazard information.

3. Unit or area staff must take an initial inventory and maintain a daily, accurate Control Log for Issuing Chemicals for each bulk chemical.

4. An offender may be issued a daily use amount of products with hazard ratings of zero or one in all categories (flammability, health, reactivity, or protective equipment) for use without direct supervision.

5. An offender assigned to work in maintenance or the kitchen may have access to daily use amounts of products with hazard ratings in any category two or above only when supervised by staff.

6. All chemical products must be used according to its intended purpose.

7. All flammable and certain specified combustible liquids must be stored in their original containers or labeled safety cans in locked flammable storage cabinets.

8. Facility staff make appropriate PPE available to those individuals handling chemicals.

L. Storage

1. Staff must ensure chemicals are not stored near food storage, preparation, or eating areas.

2. Staff must ensure flammable chemicals are stored in flammable cabinets or other properly designated areas.

3. Staff must ensure incompatible chemicals are stored separately.

4. Staff must ensure secondary containers are compatible with the chemical and do not leak.

5. The appropriate spill containment equipment must be used, as needed, for chemical storage.

M. Personal protective equipment (PPE) – see Policy 105.113, "Personal Protective Equipment"

1. Staff and offenders/residents must wear the appropriate PPE listed on the label or SDS when using a chemical or exposure to the chemical is reasonably anticipated.

2. The site safety administrator must approve all PPE used by staff and offenders/residents.

N. Disposal

1. Staff must consult with the site safety administrator prior to disposal of any chemical.

2. The site safety administrator coordinates the disposal of hazardous waste generated at the facility (see Policy 105.152, "Hazardous Waste Management").

O. Employee training and information

1. Supervisors must provide training for employees who may be routinely exposed to hazardous substances. Training must be provided in a manner that can be reasonably understood by the employees and must include the following information.

a) Overview

(1) An overview of the requirements contained in the Right to Know Act;
(2) The hazardous chemicals present at the employee's work place;
(3) The physical and health risks of hazardous chemicals;
(4) How to determine the presence or release of hazardous chemicals in the work area;
(5) How to reduce or prevent exposure to hazardous chemicals through use of control procedures, work practices and PPE;
(6) How to read labels and SDS to obtain hazard information; and
(7) Location of the SDS file and written Right to Know Program.

b) Training program for hazardous substances

(1) The name or names of the substance including any generic or chemical name, trade name, and commonly used name;
(2) The level, if any and if known, at which exposure to the substance has been restricted according to standards, or, if no standard has been adopted, according to guidelines established by competent professional groups which have conducted research to determine the hazardous properties of potentially hazardous substances;
(3) The primary routes of entry and the known acute and chronic effects of exposure at hazardous levels;
(4) The known symptoms of the effects;
(5) Any potential for flammability, explosion or reactivity of the substance;
(6) Appropriate emergency treatment;
(7) The known proper conditions for use of and exposure to the substance;
(8) Procedures for cleanup of leaks and spills;
(9) The name, phone numbers, and address of a manufacturer of the hazardous substance; and

(10) Informing staff that the SDS is in the area that the hazardous substance is used or handled.

c) Training program for harmful physical agents
The training program for employees who may be routinely exposed to harmful physical agents at a level that may be expected to approximate or exceed the permissible exposure limit, or applicable action levels must be provided in a manner that can be reasonably understood by the employees, and includes the information required by the standard for that physical agent, which includes the following:

(1) The name or names of the physical agent including any commonly used synonyms;
(2) The level, if any and if known, at which exposure to the physical agent has been restricted according to standards adopted by the commissioner of the department of labor and industry (DLI) or, if no standard has been adopted, according to guidelines established by competent professional groups which have conducted research to determine the hazardous properties of potentially harmful physical agents;
(3) The known acute and chronic effects of exposure at hazardous levels;
(4) The known symptoms of the effects;
(5) Appropriate emergency treatment;
(6) The known proper conditions for use of and/or exposure to the physical agent;
(7) The name, phone number, and address, if appropriate, of a manufacturer of the equipment which generates the harmful physical agent; and
(8) A sign or label in the area or areas where the harmful physical agent is present, and where the employees may be exposed to the agent through use, handling or otherwise.

2. Prior to introducing a new chemical/physical hazard or infectious agent into any area of the facility, the supervisor must give each employee in that area information and training as outlined above for the new hazard.

3. Annual right to know training is mandatory for all staff. Annual training is documented electronically in the agency-approved electronic training management system.

P. Hazardous non-routine tasks
Periodically, employees are required to perform non-routine tasks (form attached) which are hazardous. Some examples of non-routine tasks are confined space entry and tank cleaning (see Policy 105.117, "Confined Space Entry," for example). Prior to starting work on such projects, the site safety administrator or supervisor gives each affected employee information about the hazardous chemicals that the employee may encounter during such activity. This information includes specific chemical hazards, protective and safety measures the employee can use, and steps the facility is taking to reduce the hazards, including ventilation, respirators, the presence of another employee (buddy systems), and emergency procedures.

Q. Informing other employees
The facility physical plant director provides other employers information about hazardous chemicals their employees may be exposed to on a job site, and suggested precautions for

employees. The facility physical plant director must refer to the corresponding SDS used by employers that employees of the facility may be exposed to.

The facility physical plant director must provide other employers SDS for hazardous chemicals generated or used by the facility's operation. The facility physical plant director must inform other employers of precautionary measures needed to be taken to protect their employees who are exposed to operations performed by the facility. The facility physical plant director must inform other employers of the hazard labels used by the facility. If a symbolic or numerical labeling system is used, the other employees must be provided with information to understand the labels used for hazardous chemicals which their employees may have exposure to.

INTERNAL CONTROLS:

A. Control Logs for Issuing Chemicals are retained in the appropriate accompanying storage cabinet.

B. Annual training is documented electronically in the agency-approved electronic training management system.

C. A written copy of any harmful physical agent is displayed and maintained in the area where an individual would be exposed.

ACA STANDARDS: 2-CO-3B-01, 4-4215, 1-ABC-3B-03

REFERENCES:
Minn. Stat. §§ 182.65 through 182.676
Minn. Rules Ch. 5206 (2008), and especially Minn. Rules 5206.0100
29 C.F.R. §1910.1200 (g) (1996)
Policy 105.152, "Hazardous Waste Management"
Policy 105.126, "Adverse Weather Guideline"
Policy 105.170, "Bloodborne Pathogens"
Policy 105.114 "Hearing Conservation Program"
Policy 105.122, "Cabinet X-Ray Radiation Safety Program"

REPLACES:
Policy 105.150, "Right to Know Program," 2/17/15.
All facility polices, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS:
Non-Routine Tasks form (105.150A)
Control Log for Issuing Chemicals (105.150B)

APPROVALS:
Deputy Commissioner, Community Services
Deputy Commissioner, Facility Services
Assistant Commissioner, Operations Support
Assistant Commissioner, Facility Services

Instructions
105.150LL, "Right to Know Program"