EMPLOYEE RIGHT TO KNOW MANAGEMENT PLAN

Anoka Hennepin ISD # 11

2727 N. Ferry Street

Anoka, MN 55303

Regulatory Coordinator	Telephone
Chris Nielsen, Health & Safety Supervisor	(763) 506-1220

EMPLOYEE RIGHT TO KNOW

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EMPLOYEE RIGHT TO KNOW PROGRAM

1. Purpose

The Minnesota Employee Right to Know Act of 1984 and the Federal Hazard Communication Act of 1986 were adopted to ensure that employees know how to work safely with hazardous chemicals in the workplace. Statistical information gathered to-date indicates that the Standards have been very effective. Employees and employers have gained considerable knowledge in how to deal safely with chemicals and harmful physical agents.

This document is our written Employee Right to Know Program. It is available from the ERK Regulatory Coordinator, Chris Nielsen, Health & Safety Supervisor. Additionally, the coordinator maintains a master list and index of Material Safety Data Sheets as well as other supporting information and records. All data is maintained and reasonably available to you upon request. Training is conducted on an annual basis for Industrial Tech, Art, Custodial, Food Service, Science, Print Shop and District Woodshop/Warehouse employees. Material safety data sheets are located on the District's Health & Safety web page.

2. Definitions

ACGIH - American Conference of Governmental Industrial Hygienists

Action Level - A designated concentration level specified for a particular contaminant which, if exceeded, requires additional activities such as periodic exposure monitoring and medical surveillance. For example, the action level for ethylene oxide is 0.5 ppm, whereas the PEL is 1ppm.

Acute - An immediate change or reaction to a single exposure of a physical or chemical agent.

Carcinogen - A chemical or physical agent capable of causing cancer.

CFR - Code of Federal Regulations

Chemical - Any element, chemical compound, or mixture of elements and/or compounds.

Container - Any bag, barrel, bottle, can, box, cylinder, vessel, tank, etc. that contains a hazardous chemical.

Chronic - A change or reaction to a long-term exposure or too many exposures over a long period of time to a physical or chemical agent.

Combustible Liquid - A liquid with a flash point at or above 100F, but less than 200F.

Compressed Gas - A gas or liquefied gas, while in a container, with the following properties:

* A gas or mixture of gases with an absolute pressure exceeding 40 psi (25.3 gauge pressure) at 70F, or an absolute pressure exceeding 104 psi (89.3 gauge pressure) at 130F, regardless of the pressure at 70F, or

* A liquid with a vapor pressure exceeding 40 psi at 100F.

Engineering Controls - A method of reducing personnel exposure to physical or chemical agents through the installation or modification of equipment or processes. An exhaust hood is an example of an engineering control.

Explosive - A chemical which releases a large and sudden amount of energy in the form of heat, gas, or pressure when subjected to shock, pressure, or high temperature.

Flammable Aerosol - An aerosol which yields a flame projection exceeding 18 inches at full valve opening or a flashback at any degree of valve opening.

Flammable Gas - A gas that forms a flammable mixture with air at concentrations of 13 percent by volume or less or has a flammable mixture range with air of greater than 12 percent by volume, regardless of the lower flammable mixture range.

Flammable Liquid - A liquid with a flash point less than 100F.

Flammable Solid - A solid other than an explosive that will burn if subject to friction, pressure, heat, or moisture.

Flashpoint - The lowest temperature at which a liquid will generate enough vapors to form a flammable mixture with air which will burn if ignited. The following methods are used to determine the flashpoints of flammable liquids:

* Tagliabue (Tag) or (TCC) Closed Tester
* Pensky-Martens (PMCC) Closed Tester
* Setaflash (SFCC) Closed Tester

Harmful Physical Agent - Any physical agent such as heat, noise, ionizing radiation, and non-ionizing radiation that presents a significant risk to worker health or safety.

Hazardous Chemical or Substance - A chemical that may cause acute or chronic health effects in exposed employees as demonstrated by at least one scientific study conducted according to established scientific principles. Hazardous chemicals include carcinogens; toxic or highly toxic agents; reproductive toxins; irritants; corrosives; sensitizers; agents which damage the lungs, skin, eyes, or mucous membranes; hepato (liver) toxins; nephro (kidney) toxins; neuro (nerve) toxins; and agents that act on the hematopoietic system (blood-forming organs).

Hazard Warning - Any words, pictures, symbols, or combination of these which informs the user of the hazards associated with the substance or agent.

Health Hazard - A chemical for which there is statistically significant evidence, based on at least one study, that acute or chronic effects may occur in exposed employees. The term “health Hazard” includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act upon the hematopoietic system and agents which damage the lungs, skin, eyes, or mucous membranes.

Immediate-Use Container - A container into which a hazardous chemical is transferred from a labeled container. For a container to be designated as an “immediate-use” container, its use must be under the control of one person and emptied within the work shift. Examples of “immediate-use” containers include test tubes, beakers, pitchers, pails and other containers used and reused.

Infectious Agent - A communicable bacterium, rickettsia, parasite, virus, or fungus. MN Rules 5206.0600 provides additional information on and a list of infectious agents.

Label - Any written, printed, or graphic material attached to containers of hazardous chemicals or posted near areas or equipment that contain or produce harmful physical agents.

MSDS - Material Safety Data Sheets.

Organic Peroxide - An organic compound containing the bivalent-O-O- structure, as in hydrogen peroxide (H-O-O-H), where one or both of the hydrogen atoms has been replaced by an organic radical such as in benzoyl peroxide (C6H5CO)-O-O-(C6H5CO).

OSHA - Occupational Safety and Health Administration.

Oxidizer - A chemical other than a blasting agent or explosive that contains oxygen in its molecular structure which will accelerate or promote the combustion of other materials.

PEL - OSHA’s Permissible Exposure Limits specified in 29 CFR 1910, subpart Z.

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

Routine Exposure - The potential exposure of an employee to a hazardous chemical or harmful physical agent during the normal course of assigned work. Routine exposure exists for an employee working in an area where hazardous chemicals are used. Routine exposure does not exist for an employee “walking-through “ an area where hazardous chemicals are used.

Reproductive Toxins - Chemicals which affect the reproductive capabilities including chromosomal damage (mutations) and effects on fetuses (teratogenesis).

TLV - ACGIH's Threshold Limit Values. These exposure limits are not backed by law like the PEL's, but it is recommended to limit exposures to the TLV if the PEL has a higher value for the same chemical.

Unstable - A chemical which in the pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure, or temperature.

Water Reactive - A chemical that reacts with water to release a gas that is either flammable or presents a health hazard.

3. Hazardous Chemicals Defined and Determined

If the objective is to protect employees from hazardous chemicals which are present or used in the workplace, it is reasonable that we be able to determine when a chemical(s), or a product containing that chemical(s), is hazardous. Appendix A, Health Hazard Definitions, and Appendix B, Hazard Determination, which are included in 1910.1200, provide substantial insight for this process. The following information, while not intended to preclude independent review of the appendices, should prove helpful, at least initially.

OSHA states, "The goal of defining precisely, in measureable terms, every possible health effect that may occur in the workplace as a result of chemical exposures cannot realistically be accomplished. This does not negate the need for employees to be informed of such effects and protected from them."

A hazardous chemical is defined by the regulation as any chemical which is a physical or health hazard.

Health hazard means a chemical for which there is statistically significant evidence, based on at least one study, that acute or chronic effects may occur in exposed employees. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act upon the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes.

Consequently, the use of MSDSs and reading labels on containers or packaging are critical elements in a successful ERK program. While we are not required to follow any specific methods (this is a performance standard) for determining hazards, we must be able to demonstrate that we have adequately ascertained the hazards of the chemicals we use in the workplace.

* Material Safety Data Sheets - Manufacturing of chemicals are required to determine if their product or any component of their product is hazardous. If the product or any components of the product are hazardous , the manufacturer must note the hazard on the MSDS. Any substance which has a hazardous component that makes up more than one percent by weight of the substance is considered hazardous by OSHA.

* A chemical is hazardous if it is flammable, combustible, pyrophoric, unstable, water-reactive, explosive, a compressed gas, an oxidizer, or has an effect on human health.

* 29 CFR 1910.1200, Appendix A and B – provides guidance in defining the scope of health hazards and determining whether or not a chemical is to be considered hazardous for the purposes of the laboratory standard.

* 29 CFR 1910, Subpart Z--- lists chemicals that OSHA considers hazardous.

* MN Rules 5206.0400, Subpart 7 --- lists chemicals that MN OSHA considers hazardous.

* Other Resources:

---National Institute for Occupational Safety and Health (NIOSH) "Pocket Guide to Chemical Hazards."

---ACGIH's "Threshold Limit Values for Chemical Substances and Physical Agents."

--- Environmental Protection Agency's (EPA) document #560/4-92-012 contains information on extremely hazardous substances and other hazardous substances.

4. Harmful Physical Agents Defined and Determined

MN Rules 5206.0100, Subpart 6 and 5206.0500 define and list harmful physical agents. The list includes heat, noise, and ionizing and non-ionizing radiation. If the exposure level of one or more of these agents can potentially be near or exceed the allowable limit, the employer must provide training for the exposed employee.

Areas which may contain harmful physical agents include:

* Equipment or boiler rooms (heat and noise)
* Welding areas (UV radiation)

5. Infectious Agents

Infectious agents are part of the Employee Right to Know Standard. Information can also be found with the District's Bloodborne Pathogen Program.

6. The Survey

Our facility, under the direction of the ERK Regulatory Coordinator, has conducted a survey to determine what hazardous chemicals are used or present within the workplace. The chemicals are listed in the Chemical Survey which is on the District's Health & Safety web site. Any old and no longer used chemicals were properly disposed of.

7. Labeling

The Employee Right to Know Act requires that shipping containers for hazardous substances be labeled as follows:

* Name of chemical
* Name, address, and telephone number of the manufacturer
* Appropriate hazard warning, i.e. corrosive, irritant, flammable, etc.

A Material Safety Data Sheet attached to the shipping container can be substituted for the above labeling requirements.

A process container (a container of no more than a 24- hour supply of a chemical) which is used in the workplace, must be labeled with the name of the chemical/product and the appropriate hazard warning. Immediate-use containers are not required to be labeled. (Immediate-use containers are those containers which are under the control of and used only by that person who transfers it from a labeled container and is completely used within the work shift in which it is transferred.)

Other containers must be labeled with the name of the chemical and the appropriate hazard warning. Labels can be obtained by submitting a label request form to the Health & Safety Supervisor. The label request form is located on the Health & Safety web site.

Pipelines and piping systems are not required to be labeled, but employees must be trained in the hazards associated with the contents of the piping.

8. Material Safety Data Sheets (MSDS)

The Employee Right to Know Act requires the manufacturer of a chemical to furnish an MSDS with each hazardous substance, upon request, sold to employers. The information included on the MSDS is the manufacturer's recommendation of how to use the chemical safely. An MSDS can sometimes be quiet technical and difficult to understand in its entirety. However, that doesn't preclude the fact that there is a good deal of easy-to-read and understandable information that can be of great value to the end-user.

The MSDS identifies the chemical, the manufacturer, and an emergency telephone number of where additional information can be obtained at any time. The hazardous ingredients or chemicals contained are also furnished. The MSDS also provides physical data and describes fire and explosive hazard information. Probably the most important and needed information provided by the MSDS has to do with health hazards, reactivity information, how to deal with spills or emergencies, and recommended personal protective equipment to be used when using the chemicals.

NOTE: Since OSHA specifies only the contents and not the format of the MSDS, the information will be presented in an order that the manufacturer determines to be appropriate.

Because the MSDS is the most significant component of a successful ERK program, we will address the eight (8) sections of the MSDS in detail:

SECTION I - provides chemical identification. It lists the trade name as well as any synonyms. The manufacturer's name, address, and telephone number are also included in this section. There will usually be an emergency telephone number provided so that information can be acquired at any time.

SECTION II - lists the hazardous ingredients of the chemical mixture. OSHA Permissible Exposure Limits (PELs), American Conference of Governmental Industrial Hygienists (ACGIH) and Threshold Limit Values (TLVs) are also provided when appropriate. These exposure limits are the maximum concentrations to which employees can be exposed for a typical work shift without the potential for harm.

SECTION III - provides physical data on the product. Some significant information may be the boiling point, specific gravity, vapor density, volatility, evaporation rates and general appearance and odor of the chemical. This type of information may be helpful in identifying a substance unknown to the exposed employee and evaluating exposure or hazard potential.

SECTION IV - provides fire and explosion hazard information. Besides flash points and explosion limits, specific information as to how to fight fires associated with these chemicals is included.

SECTION V - provides reactivity data. Specific materials or chemicals with which the chemical being addressed by the MSDS may be incompatible and produce undesirable or harmful/hazardous reactions if mixed or placed in contact.

SECTION VI - provides health and hazard information on what is perhaps the most significant and useful part of the MSDS, and it is written in "plain English." This section describes the symptoms and effects of over-exposure to the chemical and also provides information on first aid. A statement as to whether or not the chemical is listed by NTP or IARC as a carcinogen or potential carcinogen is also included.

SECTION VII – explains how to deal with an accidental spill or leak. Procedural information for cleanup is usually provided, as well as guidelines for disposing of the material.

SECTION VIII - lists specific types of personal protective equipment such as gloves, and respiratory and/or eye protection, which are necessary to use under certain conditions.

9. Personal Protective Equipment

If the Material Safety Data Sheet prescribes the use of personal protective equipment (PPE) such as respirators, gloves, eye or face protection, special clothing, etc., then our employees must use that appropriate PPE. We will provide the PPE prescribed at no cost to the employee, as well as any special training or procedures that are attendant to the use of the PPE.

10. Training

Employees must be provided with information on our Employee Right to Know Program and how to work safely and healthfully with the chemicals and harmful physical agents within our workplace. Training must be provided:

* Initially and before employees are exposed to the hazards covered under the ERK Act.
* When there is any significant change in the use or additions of chemicals or harmful physical agents in our workplace.
* On an annual, recurrent basis even though there have not been any changes in the employee's potential exposure.

This training shall be provided at no cost to the employee.

11. Training Curriculum

The following represents the basic syllabus of our training program:

A. Objectives
   * Motivation
   * Hazard awareness
   * Location of information

B. Training Contents
   * ERK requirements
   * Survey information
   * General hazards
   * Specific hazards
   * Symptoms
   * Primary route of exposure
   * PELs and TLVs
   * Specific location of information
   * MSDS information
   * Labeling
   * Special Hazards
   * Emergencies and spills
   * Personal protective equipment
   * Harmful physical agents
   * Infectious agents

   A written copy of the above training information is readily accessible to employees.

C. Training Recordkeeping
   * A brief summary of the topics covered during the training.
   * Training attendance

* All records are available, upon reasonable request, to employees.
* Records shall be maintained, by the Regulatory Coordinator, for a minimum of 3 years.

12. Special Activities

From time to time, there may be some non-routine exposures to certain hazardous chemicals in our workplace. Any new or unique exposure will require a close review of the MSDS. If there are any questions relative to the chemical or how to work safely with it, contact the ERK Program Coordinator for assistance.

13. Outside Contractors/Vendors

It is the responsibility of the ERK Regulatory Coordinator to provide contractors with the following information:

* A copy of this Employee Right to Know Program
* A list of the hazardous substances to which the contractor's employees may become exposed while working within the facility
* The labeling system in use
* Availability of MSDSs for all hazardous substances on file and where the information resides

The ERK Program Coordinator will also obtain a list of MSDSs and the sheets themselves for any hazardous substances that the contractor proposes to bring to the facility. This list will be evaluated for potential safety and health problems that could occur as a consequence of the chemical's presence or usage.

5206.0100 DEFINITIONS.

Subpart 1. **Scope.** For purposes of this chapter the following terms have the meanings given them.

Subp. 1a. **Blood borne pathogens.** "Blood borne pathogens" means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

Subp. 1b. **Carcinogen.** "Carcinogen" means any substance that causes the development of cancerous growths in living tissue. For the purpose of this standard, a substance is considered to be a carcinogen or potential carcinogen if:

A. it has been evaluated by the International Agency for Research on Cancer (IARC) and is listed as a carcinogen or potential carcinogen in "Monographs" (latest edition);

B. it is listed as a carcinogen or potential carcinogen in the "Annual Report on Carcinogens" published by the National Toxicology Program (NTP) (latest edition);

C. it is listed as a confirmed or suspected human carcinogen by the American Conference of Governmental Industrial Hygienists (ACGIH) and published in the "Threshold Limit Values and Biological Exposure Indices" (latest edition); or

D. it is regulated as a carcinogen or potential carcinogen under Code of Federal Regulations, title 29, part 1910, subpart Z, "Toxic and Hazardous Substances."

Subp. 1c. **Clinic.** "Clinic" means a physician's office providing outpatient care.

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of the Department of Labor and Industry.

Subp. 2a. **Container.** "Container" means any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a hazardous chemical. For purposes of this part, pipes, piping systems, or pipelines are not considered to be containers.

Subp. 3. **Data sheet.** "Data sheet" means a document, such as a material safety data sheet, operation standard, placard or display device, used by an employer to communicate to an employee the information required under Minnesota Statutes, section 182.653, subdivisions 4b, 4c, and 4e.

Subp. 3a. **Dentist.** "Dentist" means a person licensed to practice dentistry under Minnesota Statutes, sections 150A.01 to 150A.12. Dentist does not include a student in this field, a dental technician, dental hygienist, dental assistant, or a registered dental assistant.

5206.0200 PURPOSE.

The standards in this chapter implement the provisions of the Employee Right-to-Know Act of 1983. These standards require employers to evaluate their workplaces for the existence of hazardous substances, harmful physical agents, and infectious agents and to provide training and information to those employees covered under this act who are routinely exposed to those substances and agents.

Statutory Authority: *MS s 182.655*

History: *8 SR 1949*

Posted: *October 21, 2003*

5206.0300 SCOPE; EXCEPTIONS.

Subpart 1. **In general.** The provisions in this chapter apply to all employers and employees in Minnesota with the following exceptions.

Subp. 2. **Technically qualified individuals.** Certain technically qualified individuals who meet the definition of physician, dentist, pharmacist, or lead research individual in part 5206.0100, subparts 3a, 11b, 14b, and 14c, are exempt from the provisions of this chapter, with the exception of part 5206.0700, subpart 1, item J. Technically qualified individuals are not exempt from the requirements of any other OSHA standard. Technically qualified individuals may only be designated in the following facilities: research laboratory, medical research laboratory, medical diagnostic or medical educational laboratory, health care facility, clinic associated with a laboratory or health care facility, or pharmacy registered and licensed under Minnesota Statutes, chapter 151.

Subp. 3. **Farms.** Farming operations employing ten or fewer employees are exempt from all provisions of this chapter except that label information must be furnished to employees or their representative. Farming operations employing more than ten employees or that operate a temporary labor camp and employ any of its residents are required to comply with training requirements developed by the commissioner specifically for farming operations in parts 5206.1300 to 5206.1900.

Subp. 4. [Repealed, 13 SR 2219]

Subp. 5. [Repealed, 17 SR 1456]

Subp. 6. **Waste service employers.** Employers that provide a service of collecting, processing, or disposing of waste regulated under the federal Resource Conservation and Recovery Act are exempt from the hazardous substances and harmful physical agents training and information requirements of this chapter. These employers must develop and implement a training program for their employees and have that program approved by the commissioner.

Subp. 7. **Laboratories.**

A. Laboratories where the laboratory use of hazardous chemicals occurs must comply with the requirements of Code of Federal Regulations, title 29, section 1910.1450.

B. All other laboratories shall comply with chapter 5206.

Statutory Authority: *MS s 182.655*

History: *8 SR 1949; 13 SR 2219; 17 SR 1456*

Posted: *October 21, 2003*

5206.0400 HAZARDOUS SUBSTANCES.

Subpart 1. **In general.** The commissioner has determined that the list of hazardous substances in subpart 5 shall be covered by the provisions of this chapter. The hazardous substance list includes the majority of hazardous substances that will be encountered in Minnesota; it does not include all hazardous substances and will not always be current. Employers shall exercise reasonable diligence in evaluating their workplace for the presence of other recognized hazardous substances and assure that employees are provided with the rights stated in this chapter.

Subp. 2. **Exemptions.** Substances or mixtures within the categories in items A to K are exempt from coverage under this standard.

A. Products intended for personal consumption by employees in the workplace.

B. Consumer products packaged for distribution to, and used by, the general public, including any product used by an employer or the employer's employees in the same form, concentration, and manner as it is sold to consumers, and to the employer's knowledge, employee exposure is not significantly greater than the consumer exposure occurring during principal consumer use of the product.

C. Any article, including but not limited to an item of equipment or hardware, which contains a hazardous substance, if the substance is present in a solid form which does not create a health hazard as a result of being handled by the employee.

D. Any hazardous substance that is bound and not released under normal conditions or work or in a reasonably foreseeable occurrence resulting from workplace operations.

E. Products sold or used in retail food sale establishments and all other retail trade establishments, exclusive of processing and repair work areas.

F. Any waste material regulated pursuant to the federal Resource Conservation and Recovery Act, Public Law 94-580, but only with respect to any employer in a business which provides a service of collection, processing, or disposal of such waste.

G. Waste products labeled pursuant to the Resource Conservation and Recovery Act. If hazardous substances make up the waste product, the employer must assure that mixing of incompatible substances does not occur.

H. Any substance received by an employer in a sealed package and subsequently sold or transferred in that package, if the seal remains intact while the substance is in the employer's workplace.

I. Any substance, mixture, or product if present in a physical state, volume, or mixture concentration for which there is no valid and substantial evidence that a significant risk to human health may occur from exposure.

5206.0500 HARMFUL PHYSICAL AGENTS.

Subpart 1. **In general.** The commissioner has determined that the list of harmful physical agents in subpart 3 shall be covered by the provisions of this chapter. The harmful physical agents list includes the majority of physical agents that may be encountered in Minnesota. Where there is a reasonably foreseeable potential for exposure to one or more of these physical agents at a level which may be expected to approximate or exceed the permissible exposure limit or the applicable action level the employer must provide training to employees as required in part 5206.0700.

Subp. 2. **Updating list.** The list of harmful physical agents shall be updated by the commissioner at least every two years.

Subp. 3. **Harmful physical agents list.**

A. Heat.

B. Noise.

C. Ionizing radiation. Any employer who possesses or uses by-product material, source material, or special nuclear material, as defined in the Atomic Energy Act of 1954 as amended, under a license issued by the Nuclear Regulatory Commission shall be deemed to be in compliance with the harmful physical agent provisions of the Employee Right-to-Know Act of 1983.

D. Nonionizing radiation.

Statutory Authority: *MS s 182.655*

History: *8 SR 1949*

Posted: *October 21, 2003*

5206.0600 INFECTIOUS AGENTS.

Subpart 1. **In general.** The commissioner has determined that the list of infectious agents in subparts 4 to 8 shall be covered by the provisions of this chapter. This list includes the majority of known communicable infectious agents which may be encountered in Minnesota. The list does not include all infectious agents nor will the list always be current. Employers must exercise reasonable diligence in evaluating their workplace for the presence of other recognized infectious agents and assure that employees are provided with the rights stated in this chapter. Training must be provided to employees on only those infectious agents to which employees may be routinely exposed; training need not be provided on all infectious agents on the list.

Subp. 1a. **Blood borne pathogens.** Blood borne pathogens are covered by Code of Federal Regulations, title 29, section 1910.1030. Compliance with the requirements of Code of Federal Regulations, title 29, section 1910.1030, meets the requirements of this chapter for blood borne pathogens. Employers who cover all reasonably anticipated infectious agent exposures as part of their Code of Federal Regulations, title 29, section 1910.1030, compliance programs shall be considered to be in compliance with the requirements of this chapter.

Subp. 2. **Updating list.** The list of infectious agents shall be updated by the commissioner at least every two years.

Subp. 3. **Codes for lists of infectious agents.** The lists of infectious agents in subparts 4 to 8 are coded as follows to designate a reference document which contains information concerning the particular agent:

A. "A" -Guidelines for Isolation Precautions in Hospitals, Centers for Disease Control, 1983.

B. "B" -Diagnostic Microbiology, Bailey and Scott's, Seventh Edition, 1990.

C. "C" -Control of Communicable Disease in Man, Abram S. Benenson, Editor; American Public Health Association, 1990.

D. "D"-Biosafety in Microbiological and Biomedical Laboratories, Centers for Disease Control, (1984), United States Department of Health and Human Services, Public Health Service (HHS publication number (CDC) 84-8395).

E. "M" -Reportable Disease List, Minnesota Department of Health, Revised January 1990.

F. "O" -Classification of Microorganisms on the Basis of Hazard, Appendix B-1, Centers for Disease Control and National Institute of Health, 1982.

Subp. 4. Bacteria**l** agents**.** Bacterial agents: A. Bacillus anthracis, ABCDM;

5206.0700 TRAINING.

Subpart 1. **In general.** The requirements in items A to J apply to training programs provided to employees concerning hazardous substances, harmful physical agents, and infectious agents.

A. Training shall be made available by, and at the cost of, the employer.

B. The employer shall develop and implement a written Employee Right-to-Know program which, at a minimum, describes how the training, availability of information, and labeling provisions of this chapter will be met for hazardous substances, harmful physical agents, and infectious agents. The written program shall also include:

(1) A list of the hazardous substances known to be present using an identity that is referenced on the appropriate material safety data sheet. The list may be compiled for the workplace as a whole or for individual work areas.
(2) The methods the employer will use to inform employees of the hazards of infrequent tasks that involve exposure to hazardous substances, harmful physical agents, or infectious agents and the hazards associated with hazardous substances contained in unlabeled pipes in their work areas.
(3) Employers shall make the written Employee Right-to-Know program available, upon request, to employees, their designated representatives, and representatives of the Occupational Safety and Health Division.
(4) For infectious agents, a written exposure control plan that meets the requirements of Code of Federal Regulations, title 29, section 1910.1030, and covers all infectious agents to which employees may be exposed in the workplace meets the requirements of this chapter.
C. In multiemployer workplaces, employers who produce, use, or store hazardous substances in such a way that the employees of other employers may be exposed shall additionally ensure that the Employee Right-to-Know program developed and implemented under item B includes the following:
(1) the methods the employer will use to provide the other employers with a copy of the material safety data sheet, or to make it available at a central location in the workplace, for each hazardous substance the other employers' employees may be exposed to while working;
(2) the methods the employer will use to inform the other employers of any precautionary measures that need to be taken to protect employees during normal operating conditions and in foreseeable emergencies; and
(3) the methods the employer will use to inform the other employers of the labeling system used in the workplace.
D. Records of training provided under the requirements of this chapter must be maintained by the employer, retained for three years, and made available, upon request, for review by employees and representatives of the Occupational Safety and Health Division. At a minimum, training records must include:

5206.0800 AVAILABILITY OF INFORMATION.

Subpart 1. **Data sheets.** A written document containing the information required in the training programs described in part 5206.0700, subparts 2 and 3 shall be available for each hazardous substance or harmful physical agent to which employees who are not technically qualified individuals are routinely exposed.

Where infectious agents are present, a written document containing the information required in part 5206.0700, subpart 4, shall be available. "Control of Communicable Disease in Man," published by the American Public Health Association, is one example of an acceptable written document.

Subp. 1a. **Manufacturer's responsibilities.** An employer who is a manufacturer of a hazardous substance or mixture of hazardous substances, or of equipment which generates a harmful physical agent, shall provide an employer who purchases the substance or equipment with the information necessary for the purchasing employer to comply with the requirements of part 5206.0700, subparts 2 and 3. The information shall be provided at the time of purchase and shall be current, accurate, and complete for each substance, mixture, or agent.

Subp. 2. **Data sheet for product mixture.** A material safety data sheet may be prepared on an entire product mixture if hazard test information exists on the mixture itself or adequate information exists to form a valid judgment of the hazardous properties of the mixture itself and the manufacturer indicates that the conclusions drawn are from some source other than direct testing on the mixture, information on the mixture will be as effective in protecting employee health as information on the ingredients, and the hazardous substances in the mixture are identified together with the information on the mixture.

Subp. 3. **Hazardous concentrations.** All components that are hazardous substances and are present in quantities above one percent by weight in a mixture must be listed on the material safety data sheet or equivalent data sheet. Whenever valid evidence indicates that a substance or components of a mixture are hazardous at concentrations less than one percent by weight, these ingredients must be listed and the required hazard information provided on manufacturer's labels and data sheets. Components identified as carcinogens shall be listed if the concentrations are 0.1 percent or greater. Substances and mixtures that are exempt from this requirement are described in part 5206.0400, subpart 2.

Subp. 4. **Impurity concentrations.** Impurities known to be present and in quantities below one percent by weight are exempt from the listing requirements on labels and data sheets unless known to the manufacturer to contribute substantially to the hazard of the mixture.

5206.1000 LABELING HAZARDOUS SUBSTANCES.

Subpart 1. **Original shipping containers.** Original shipping containers containing a hazardous substance shall be labeled. The label shall provide substantially the same precautionary information as required under the training and information requirements in parts 5206.0700 and 5206.0800. At a minimum, original shipping containers must be tagged or marked with the identity of the hazardous substance; the appropriate hazard warning; and the name and address of the chemical manufacturer, importer, or other responsible party. In addition, a label may be a coded reference to an appropriate and accessible data sheet containing information required under part 5206.0700, subpart 2.

Subp. 2. **Compliance; accepted labels.** Labeling in compliance with the following regulations meets the requirements of this chapter:

A. pesticides labeled in accordance with the Federal Insecticide, Fungicide and Rodenticide Act (United States Code, title 7, section 136 et seq.);

B. any food, food additive, color additive, drug, or cosmetic including materials intended for use as ingredients in products labeled in accordance with the requirements of the Federal Food, Drug, and Cosmetic Act (United States Code, title 21, section 301 et seq.);

C. distilled spirits (beverage alcohols), wine, or malt beverage labeled in accordance with the Federal Alcohol Administration Act (United States Code, title 27, section 201 et seq.);

D. any consumer products as defined in the Consumer Product Safety Act (United States Code, title 15, section 2051 et seq.) and labeled in accordance with the requirements of that act; or

E. any hazardous substance as defined in the Federal Hazardous Substances Act (United States Code, title 15, section 1261 et seq.) and labeled in accordance with the requirements of that act.

Subp. 3. [Repealed, 13 SR 2219]

Subp. 4. **Pipelines.** These container labeling requirements do not apply to pipes, piping systems, or pipelines in refineries or other workplaces nor to interstate or intrastate pipelines. Employees must be trained in the hazards associated with substances in the unlabeled pipes in their work areas in accordance with the requirements of this chapter.

Subp. 5. **Bulk transport.** Hazardous substances transported in bulk shall be labeled in accordance with applicable labeling requirements of the American National Standards Institute (ANSI) or the federal Department of Transportation Standard for Transportation