

**NEW YORK STATE
RIGHT-TO-KNOW AND
OSHA HAZARD COMMUNICATION
STANDARD**



COMPLIANCE CHECKLIST



New York State United Teachers

The New York State Right-To-Know Law and The OSHA Hazard Communication Standard

Compliance Checklist

New York State public school districts and other public employers must comply with both the New York State Right-to-Know Law and the federal Occupational Safety and Health Administration's Hazard Communication Standard. Your employer must provide you with training about your legal rights, and about any hazardous chemicals you might use. **Private sector employees** are covered **ONLY** by the Hazard Communication Standard. The following checklist can be used to ensure that the training you receive includes all the information to which you are entitled.

If a provision of either law has not been explained to you, or has not been adequately addressed, you may file a complaint. Violations of the Right-to-Know Law and the Hazard Communication Standard should be reported to the New York State Department of Labor, Division of Public Employee Safety and Health Bureau (PESH). Oversight of the Right-to-Know Law is a responsibility of the New York State Attorney General (with the exception of discrimination complaints.) Discrimination complaints, under either law, should be submitted to the Department of Labor's PESH Bureau – see office listings, page 7. Private sector complaints about Hazard Communication Standard violations should be directed to your regional Federal OSHA office.

Whenever you suspect noncompliance with either law, please contact your NYSUT Labor Relations Specialist. Your Labor Relations Specialist can assist you in gathering the necessary materials and in filing your complaint. See page 9 for a listing of NYSUT regional offices.

About this Checklist:

Sections I, II, III, IV, V, and VI provide a list of items that are **required** to be included in employee training sessions, either by the Right-to-Know Law, or the Hazard Communication Standard, or both. Sections VII, VIII, IX and X of the checklist contain information about both laws that employers must comply with, but is not required to be given in the employer-provided training. Provisions of the Right-to-Know Law are indicated by "**RTK**," while provisions of the Hazard Communication Standard are labeled "**HCS**."

Acronyms used throughout this pamphlet include:

HCS	Hazard Communication Standard
MSDS	Material Safety Data Sheet
NIOSH	National Institute of Occupational Safety and Health
OSHA	Occupational Safety and Health Administration
PESH	Public Employee Safety and Health
RTK	Right-to-Know Law

I. Your Rights to Information

- A. Were you informed that all public employees are covered under this law, including part-time and provisional employees?
RTK and HCS
- B. Were you told that you have the right to information about hazardous substances, including chemical substances, biological hazards and radiation, defined specifically as:
1. The toxic substances identified by NIOSH?
RTK
 2. All substances found to cause cancer, reproductive problems, organ damage, and/or allergic reaction based on human, animal or other biological testing?
RTK
 3. Flammable, combustible, explosive and reactive substances?
RTK
 4. Materials which include 1% or more of a toxic substance?
RTK
- C. Were you told about your right to:
1. Request and receive information on toxic substances in the work place during all shifts?
HCS
 2. Refuse to work with a toxic substance if after three working days (excluding weekends and public holidays) after requesting information, you have not received information?
RTK
 3. Exercise this law without discrimination?
RTK and HCS

II. Your Rights to Training

- A. Were you informed that training must be provided to all employees regularly exposed to toxic substances?
RTK and HCS
- B. Were you informed that training must occur:
1. Upon hire?
RTK and HCS
 2. Annually?
RTK
 3. Any time workers' exposure to chemicals changes?
RTK and HCS
- C. Was the training conducted during regular work hours, with no loss of pay, at a location convenient to the job site?
RTK and HCS
- D. As part of your training, were you given the following information about the hazardous chemicals you encounter on the job:
1. Names of toxic chemicals you may be exposed to?
RTK and HCS
 2. Physical hazards of the product?
RTK
 3. Health hazards, including acute and chronic effects of the chemical?
RTK and HCS
 4. The location of substance at work site? (Does not apply to infectious agents.)
RTK and HCS
 5. Target organs affected by the chemicals?
RTK
 6. Protective measures?
RTK and HCS
 7. Emergency procedures, such as cleanup of spills and leaks?

- RTK and HCS**
8. How to detect the presence of hazardous substances?
- RTK and HCS**
9. How to work safely with toxic substances?
- RTK and HCS**
- E. Were you given information on the ways chemicals can affect your health, including:
1. Routes of entry of toxic substances into the body?
RTK
 2. Retention and accumulation of toxic substances in the body?
RTK
 3. Synergistic, additive and antagonistic interactions between substances?
RTK
 4. The body's inability to reverse some toxic effects?
RTK
- F. Were you instructed how to use and read:
1. A Material Safety Data Sheet (MSDS)?
RTK and HCS
 2. Product labels?
HCS
- G. Were you informed of:
1. The requirements of the Right-to-Know law?
RTK and HCS
 2. Were you told about other relevant health and safety laws concerning how to handle toxic substances (such as New York State PESH Regulations?)
RTK
- H. Were you told where to obtain additional information concerning toxic substances?
RTK
- I. Was written material accompanied by a verbal explanation?
RTK
- J. Was training given at a level you could understand and translated into your first language, if necessary?
RTK

III. Employer Responsibilities

- A. Were you informed that your employer must:
1. Post a sign stating that employees may request information about the toxic effects of chemical substances, and indicating the name and telephone number of the person designated to respond to the requests?
RTK
 2. Give you information upon request in the form of MSDSs (see Section IV) or chemical fact sheets for all toxic substances at the work site?
RTK and HCS
 3. Maintain MSDSs on site?
HCS
 4. Respond to any requests by employees for information about the health hazards of toxic substances within three working days?
RTK
 5. Develop a written Hazard Communication Program (see Section VI)?
HCS
 6. Provide training?
RTK and HCS
 7. Keep exposure records of people exposed to any of the substances regulated by OSHA, as listed in subparagraph Z?

- 8. **RTK**
Ensure products are properly labeled?
- 9. **HCS**
Develop an inventory of toxic chemicals in the work place?
- RTK and HCS**

IV. Material Safety Data Sheets (MSDSs)

- A. Were you told that your employer must keep MSDSs or chemical fact sheets on site for each hazardous substance?
RTK and HCS
- B. Were you told that MSDSs must contain the following information:
 - 1. The common and chemical name of the hazardous substance?
RTK and HCS
 - 2. Physical hazards, such as fire data, including flammability, explosion and reaction points?
RTK and HCS
 - 3. Health effects, such as:
 - a. Acute and chronic effects of exposure to the substance?
RTK and HCS
 - b. Medical conditions aggravated by exposure?
RTK and HCS
 - c. Symptoms of overexposure?
RTK and HCS
 - 4. Routes of entry?
RTK and HCS
 - 5. Information about the level at which the substance is hazardous, including limits set by the Occupational Safety and Health Administration (OSHA) and the American Conference of Governmental and Industrial Hygienists (ACGIH)?
RTK and HCS
 - 6. Whether the substance contains potential cancer-causing agents?
RTK and HCS
 - 7. Information on how to work with the substance safely, including proper control measures, ventilation, work practices and personal protective equipment?
RTK and HCS
 - 8. Emergency first aid procedures and recommendations for emergency treatment?
RTK and HCS
 - 9. Proper cleanup procedures for spills and leaks?
RTK and HCS
 - 10. Name, address and phone number of the manufacturer or supplier?
RTK and HCS
- C. Were you told that all spaces on the MSDS form must be filled in and that MSDSs must be updated as new information is available?
RTK and HCS

V. Labeling

- A. Did the training explain that each container must be labeled, and that the employer must provide a label if the manufacturer didn't?
HCS
- B. Was it explained that each label must:
 - 1. List the chemical ingredients?
HCS
 - 2. Identify the product by the same name used on the MSDS?
HCS
 - 3. Provide the name and address of the supplier or manufacturer?
HCS
 - 4. Give an appropriate health hazard warning?

HCS

VI. Written Hazard Communication Program

- A. Did the training inform you that a written program describing how management will comply with the law must be kept on site and available to employees upon request?
HCS
- B. Were you informed that all hazardous substances present in the work place will be included in an inventory as part of the written program?
HCS
- C. Were you told that the program will describe methods to be used to inform employees about the hazards of non-routine tasks?
HCS
- D. Was it clear that the written program states how employees can obtain appropriate hazard information?
HCS
- E. Were you told that the written program states how and where MSDSs will be made available?
HCS

VII. Record Keeping

- A. Although not a requirement of training, were you informed that your employer must:
 - 1. Keep medical and exposure records for 40 years?
RTK
 - 2. Make an inventory of hazardous chemicals used at the work place?
RTK
 - 3. Supply the New York State Department of Health with a copy of all such records if the employer ceases to operate?
RTK
- B. Although not a requirement of training, were you told that your employer must also:
 - 1. Specify name, address and social security number for each employee exposed to one or more of toxic substances regulated by PESH, and keep this information for 40 years?
RTK
 - 2. Keep a file of training materials indicating who was trained, when and by whom, and what was covered?
RTK

VIII. Trade Secrets

- A. Although not required to be disclosed in the training session, did you know that your employer must comply with, and explain to you, the following?
 - 1. Manufacturers may claim chemical percentages and manufacturing processes as trade secrets, but must indicate on MSDS that information is being withheld?
HCS
 - 2. Manufacturers must register trade secret information concerning a toxic substance with the New York State Department of Health?
RTK
 - 3. Even if a trade secret is claimed, information on health effects, safe handling precautions, and protective measures must be on the MSDS?
RTK and HCS
 - 4. If a request for information is received, the manufacturer must reveal all information concerning health hazards and toxic effects?
RTK and HCS
 - 5. During medical emergencies, health professionals must have immediate access to specific chemical names of substances employers claim are trade secrets?

- HCS**
6. Where you told:
- a. That only the physician or nurse determines what is an emergency?
 - b. That no written statement or confidentiality agreement from the health professional is required?
7. Did you know that:
- a. Manufacturers must comply with a request for information during non-medical emergencies? Workers and unions may write to manufacturers requesting information, stating why the information is necessary, and that it will be held in confidence.
- HCS**
- b. The New York Health Commissioner can challenge a trade secret claim?
- RTK**
- c. If a request for information is denied on a trade-secret basis, workers can request PESH or OSHA to determine whether the trade-secret claim is legitimate?
- HCS**

IX. Non-Discrimination

- A. Although not required to be disclosed in the training session, did you know that your employer must comply with, and explain to you, the following?
- 1. Did you know it is illegal for employers to discriminate against employees for using this law?
RTK and HCS
 - 2. If you believe you have been fired, disciplined, or otherwise penalized for using your rights under this law, you should contact your union immediately, and file a discrimination complaint with the New York Department of Labor, and/or the New York Attorney General or Federal OSHA?
RTK and HCS

X. Compliance

- A. Although not required to be included in the training session, did you know that your employer must comply with and disclose to you the following?
- 1. If your employer refuses to respond to information requests, to conduct the required training, or to otherwise comply with the law, you are to contact:
 - a. The New York State Department of Labor
HCS and RTK
 - b. The Federal Occupational Safety and Health Administration (OSHA)?
HCS (private sector employees)
 - 2. You must be given addresses and phone numbers for the enforcement agencies?

New York State Department of Labor

Division of Safety & Health

For more information, go to: www.labor.state.ny.us

<u>District Office</u>	<u>Telephone/Fax</u>	<u>Counties Served</u>
Albany District State Office Campus Building 12, Room 158 Albany, NY 12240	Tel. (518) 457-5508 Fax (518) 485-1150	Albany, Clinton, Columbia, Dutchess, Essex, Greene, Rensselaer, Saratoga, Schenectady, Schoharie, Ulster, Warren, Washington
Binghamton District 44 Hawley Street, 9th Floor Binghamton, NY 13901	Tel. (607) 721-8211 Fax (607) 721-8207	Allegany, Broome, Chemung, Chenango, Delaware, Otsego, Schuyler, Steuben, Sullivan, Tioga, Tompkins
Buffalo District 65 Court Street Buffalo, NY 14202	Tel. (716) 847-7133 Fax (716) 847-7108	Cattaraugus, Chautauqua, Erie, Niagara
Long Island District 400 Oak Street, Suite 101 Garden City, NY 11530	Tel. (516) 228-3970 Fax (516) 794-7714	Nassau, Suffolk
New York City District 345 Hudson Street Mail Stop 7F PO Box 683 New York, NY 10014	Tel. (212) 352-6132 Fax (212) 352-6138	Bronx, Kings, New York, Queens, Richmond
Rochester District 155 West Main Street Rochester, NY 14614	Tel. (585) 258-4573 Fax (585) 258-4593	Genesee, Livingston, Monroe, Ontario, Orleans, Wayne, Wyoming, Yates
Syracuse District 450 South Salina Street Syracuse, NY 13201	Tel. (315) 479-3210 Fax (315) 479-3451	Cayuga, Cortland, Jefferson, Onondaga, Oswego, Seneca
Utica District 207 Genesee Street Utica, NY 13501	Tel. (315) 793-2316 Fax (315) 793-2446	Franklin, Fulton, Hamilton, Herkimer, Lewis, Madison, Montgomery, Oneida, St. Lawrence
White Plains District 30 Glenn Street White Plains, NY 10603	Tel. (914) 997-9509 Fax (914) 997-8542	Orange, Putnam, Rockland, Westchester

New York State Attorney General's Office

Labor Bureau
120 Broadway
New York, NY 10271

(212)416-8700

for more information, go to: www.labor.state.ny.us

COUNCILS ON OCCUPATIONAL SAFETY AND HEALTH

For additional information, contact a Council or Committee for Occupational Safety and Health (COSH) in your area. COSH organizations are a coalition of local labor unions and individual activists that provide training and technical assistance about workplace hazards and act as watchdog over workplace safety and health regulations.

There are 23 Committees for Occupational Safety and Health across North America dedicated to providing education and training to workers about safety and health on the job. The COSH network works together to fight for stronger legislation and better enforcement of existing regulations and laws. The COSH groups in New York State are:

- ❖ CNYCOSH (Central NY COSH), e-mail: cnycosh@igc.org,
615 West Genesee Street, Syracuse, NY 13204, 315-471-6187,
fax: 315-471-6193
- ❖ NYCOSH, (New York Committee for Occupational Safety and Health),
e-mail: nycosh@nycosh.org, website: www.nycosh.org,
275 7th Avenue, New York, NY 10001, 212-627-3900
- ❖ WYNCOSH (Western NY COSH), e-mail: ce385@freenet.buffalo.edu,
2495 Main Street, Suite 438, Buffalo, NY 14214, 716-833-5416,
fax: 833-7507

WHERE CAN I GO FOR FURTHER INFORMATION?

For information about the Hazard Communication Standard and the Right to Know law, contact your NYSUT Labor Relations Specialist (LRS) or the health and safety LRS at any of NYSUT's 16 regional offices in New York State.

NYSUT Regional Offices

For more information, go to: www.nysut.org

Capital District Regional Office

800 Troy-Schenectady Road
Latham, NY 12110-2455
(518) 783-7977

Elmsford Regional Office

570 Taxter Road
Elmsford, NY 10523
(914) 592-4411

Mid-Hudson Regional Office

201 Stockade Drive
Kingston, NY 12401-3867
(845) 339-4450

Nassau Regional Office

Jericho Atrium
500 North Broadway - Suite 123
Jericho, NY 11753
(516) 938-4871

New York City Regional Office

52 Broadway, 9th Floor
New York, NY 10004
(212) 533-6567

North Country Regional Office - Plattsburgh

79 Hammond Lane
Plattsburgh, NY 12901
(518) 561-0150

North Country Regional Office - Potsdam

12 Elm Street, Suite 103
Potsdam, NY 13676
(315) 265-2160

North Country Regional Office - Watertown

200 Mullin Street
Watertown, NY 13601
(315) 788-0270

Rochester Regional Office

30 North Union Street - Suite 302
Rochester, NY 14607
(716) 454-5550

Southern Tier Regional Office - Vestal

305 Vestal Parkway West
Vestal, NY 13850
(607) 786-5742

Southern Tier Regional Office - Elmira

100 West Church Street – Suite 200
Elmira, NY 14901-2720
(607) 732-1928

Southwestern NY Regional Office

1 Lockwood Terrace
4th & Cherry Streets
Jamestown, NY 14701
(716) 664-7425

Suffolk Regional Office

150 Vanderbilt Motor Parkway
Hauppauge, NY 11788
(631) 273-8822

Syracuse Regional Office

P.O. Box 247
4983 Brittonfield Parkway
East Syracuse, NY 13057
(315) 431-4040

Utica Regional Office

7 Ellinwood Court
New Hartford, NY 13413-1105
(315) 768-0131

Western NY Regional Office

Centerpointe Corporate Park
270 Essjay Road
Williamsville, NY 14221-8276
(716) 634-7132

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