Public Sector Right to Know Bulletin

DEPARTMENT OF LABOR & INDUSTRY
COMMONWEALTH OF PENNSYLVANIA

BUREAU OF PENNSAFE

COMPLIANCE CHECKLIST FOR PUBLIC SECTOR EMPLOYERS

This checklist is designed to help public sector employers evaluate their Right to Know programs. It is not intended to be a legal interpretation of the regulations of the Pennsylvania Worker and Community Right to Know Act or to place any additional requirements on employers or employees.

A **"NO"** answer to any of these questions may indicate that your workplace is not fully in compliance with the Pennsylvania Worker and Community Right to Know Act. For further assistance with your program contact an Occupational Safety and Training Specialist:

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POSTING OF NOTICES AND OTHER INFORMATION	YES	NO	N/A
1. Is the current Employee Workplace Notice posted in a location where employee notices are normally posted?	____	____	____
2. Is the Hazardous Substance Survey Form (HSSF) posted in a location where employee notices are normally posted?	____	____	____

LABELING OF SUBSTANCES	YES	NO	N/A
1. Are labels, signs or placards affixed to all:			
? Containers	____	____	____
? Storage tanks	____	____	____
? Ports of pipelines	____	____	____

LABELING OF SUBSTANCES cont.	**YES**	**NO**	**N/A**
2. Do the labels for hazardous substances contain the following:			
? Chemical or common name	____	____	____
? A hazard warning	____	____	____
? The name, address and telephone number of the manufacturer or supplier	____	____	____
3. Do the labels for non-hazardous substances contain the following:			
? Chemical or common name	____	____	____
? A hazard warning (if appropriate)	____	____	____
? The name, address and telephone number of the manufacturer or supplier	____	____	____
4. Have you labeled ports of pipelines in the manner consistent with the preceding questions?	____	____	____
5. Does the chemical or common name of a container's label cross reference with the chemical or common name listed on the appropriate Material Safety Data Sheet (MSDS)?	____	____	____
6. For any **"NO"** answers above, do any exemptions apply as listed in Section 309.1 of the regulations?			
? Pesticides as defined in the Federal Insecticide, Fungicide and Rodenticide Act	____	____	____
? Foods, Drugs or cosmetics as defined in the Federal Food, Drug and Cosmetic Act	____	____	____
? Distilled spirits, beverage alcohols, wine or malt beverages intended for non-industrial use as defined in the Federal Alcohol Administration Act	____	____	____
? Hazardous waste from spills and disposal site rehabilitation projects handled under the Resource Conservation and Recovery Act (RCRA) or the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)	____	____	____
? Chemicals or mixtures transferred by an employee from labeled containers which are intended only for that employee's immediate use	____	____	____

LABELING OF SUBSTANCES cont.	YES	NO	N/A
7. Do any exemptions apply as listed in Section 301.3 of the regulations?			
? Articles[1]	____	____	____
? Products intended for personal consumption	____	____	____
? Consumer products	____	____	____
? Sealed packages [2]	____	____	____
? Food, drugs or cosmetics	____	____	____
? Tobacco	____	____	____
? Research/development laboratories	____	____	____

1) **Article** - A manufactured item which is formed to a specific shape or design during manufacture, which has end use functions dependent in whole or in part upon its shape or design during end use and which does not release, or otherwise result in exposure to, a hazardous chemical under normal conditions of use. An article is exempt from the Act under Section 18(a)(1) of the Act (34 P.S. Section §7318(a)(1)).

2) **Sealed Packages** - A portable container into which the manufacturer, importer or supplier has placed chemicals and which is sealed by the manufacturer, importer or supplier for transport to another location and which is intended to remain sealed until reaching its final destination. The term includes containers used to transport hazardous wastes under the Resource Conversation and Recovery Act of 1976 (42 U.S.C.A. Sections 6901-6986) or the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (26 U.S.C.A. Section §4611-4682) and (42 U.S.C.A. Sections 6911, 6911e and 9601-9657).

EDUCATIONAL AND TRAINING PROGRAM	YES	NO	N/A
Section A - Inspector's Focus			
1. Is an employee annual training program completed?	____	____	____
2. Is an employee annual training program documented?	____	____	____
3. Does the training documentation include:			
? Dates of training sessions	____	____	____
? Names of employees attending training sessions	____	____	____
? Name(s) of trainer			
4. Are new employees given training within 120 days of hire?	____	____	____
5. Has the training for new employees been documented?	____	____	____

EDUCATIONAL AND TRAINING PROGRAM cont.	**YES**	**NO**	**N/A**
Section A - Inspector's Focus cont.			
6. Are employees given additional training when/ if they are exposed to new hazardous substances?	____	____	____
7. If conducted, has the training been documented?	____	____	____
8. Are employees given additional training when new information is learned about hazardous substances for which they have already been trained?	____	____	____
9. If conducted, has the training been documented?	____	____	____
10. Does the content of the training program for employees using, handling or exposed to hazardous substances include the following information concerning the hazardous substances or hazardous mixtures?			
? The location	____	____	____
? The properties	____	____	____
? The chemical and common name	____	____	____
? The acute and chronic effects	____	____	____
? The symptoms arising from exposure	____	____	____
? The potential for flammability, explosivity and reactivity	____	____	____
? Appropriate emergency treatment	____	____	____
? Appropriate personal protective equipment and proper conditions for safe use	____	____	____
? Emergency procedures for spills, leaks, fires, pipeline breakdowns or other accidents	____	____	____
Section B - Educator's Focus			
1. Is the material being presented appropriate to the level of education of the employees being trained?	____	____	____

EDUCATIONAL AND TRAINING PROGRAM cont.	YES	NO	N/A
Section B - Educator's Focus cont.			
2. Do you use one or more methods of presenting the material to be learned such as:			
? Lectures	____	____	____
? Audio/visual materials	____	____	____
? Role playing	____	____	____
? Case studies	____	____	____
? Hands-on training	____	____	____
? Group discussion	____	____	____
? "Walk through"	____	____	____
3. Do you allow sufficient time in the training session to answer employees' questions?	____	____	____
4. Do you use one or more methods to evaluate the effectiveness of your training program such as:			
? Pre and post tests	____	____	____
? Practice demonstrations	____	____	____
? Discussion exercises	____	____	____
? Written evaluation of a reduced number of accidents or injuries	____	____	____
? Written evaluation of the course by participants	____	____	____

WORKPLACE AND WORK AREA LISTS AND MSDSs			
1. Has the HSSF been completed for the current reporting year for the workplace?	____	____	____
2. Is the HSSF used as a work area list?	____	____	____
3. If not, do you have a work area list available?	____	____	____
4. Do you have MSDSs for all regulated substances listed on your HSSF?	____	____	____
5. Are the MSDSs legible and understandable?	____	____	____
6. Are the MSDSs accessible in the workplace?	____	____	____

WORKPLACE AND WORK AREA LISTS AND MSDSs cont.	YES	NO	N/A
7. Are the appropriate MSDSs accessible in each respective work area without the need for intervention of a supervisor?	____	____	____
8. Can you and your employees identify and access the respective work area MSDSs?	____	____	____

HEALTH AND EXPOSURE RECORDS

Section A - Recordkeeping Requirements

1. Do you inform new employees of your policy regarding the following:			
? The existence, location and availability of any pertinent health or exposure records relating to their employment?	____	____	____
? The person responsible for maintaining and providing access to these records?	____	____	____
? Each employee's rights of access to these records?	____	____	____
2. Do you inform employees exposed to hazardous substances at least annually thereafter on this same policy?	____	____	____
3. Have you developed a system for maintaining medical records for the duration of employment plus 30 years?	____	____	____
4. Have you developed a system for maintaining employee health and exposure records for at least 30 years?	____	____	____
5. Do you have a policy for providing short term employees (those employed less than one year) with a copy of their medical records upon termination of their employment?	____	____	____

Section B - Employee Access to Records

1. Do you provide access to records to employees or their designated representatives upon their request?	____	____	____

HEALTH AND EXPOSURE RECORDS cont.

Section C - Emergency Response Organization's/Department of Labor & Industry's Request for Records

		YES	NO	N/A
1.	At the written request of an emergency response organization, do you have a policy/ procedure to provide the following:			
	? HSSF	____	____	____
	? MSDS	____	____	____
	? Environmental Hazard Survey Form (EHSF)	____	____	____
2.	At the written request of the Department of Labor & Industry, do you have a policy/ procedure to provide the following:			
	? HSSF	____	____	____
	? MSDS	____	____	____
	? EHSF	____	____	____
3.	At the request of a representative of the Department of Labor & Industry (in the event of an enforcement inspection), do you have a policy/procedure to provide the following:			
	? Work Area Lists	____	____	____
	? HSSF	____	____	____
	? MSDS	____	____	____
	? EHSF	____	____	____

Corrective Actions Required:

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