



## UNIVERSITY POLICY

**SUBJECT:** HEALTH AND SAFETY

**TITLE:** NJ WORKER AND COMMUNITY  
RIGHT-TO-KNOW ACT

**CODING:** 00-01-45-25:00

**ADOPTED:** 10/15/91

**AMENDED:** 03/02/06

**LAST REVIEWED:** 03/02/06

### I. PURPOSE

To provide University faculty, staff, students and volunteers with information regarding hazardous chemical substances in the workplace as required by the New Jersey Worker and Community Right-to-Know Act (N.J.S.A. 34:5A-1 et. seq.). To provide University faculty and staff with training in accordance with Public Employees Occupational Safety and Health (PEOSH) Hazard Communication Standard (HCS) (N.J.A.C. 12:100-7).

### II. ACCOUNTABILITY

Under the direction of the President, the Senior Vice President of Administration and Finance, the Senior Vice President for Academic Affairs, the Deans, Vice Presidents, Associate Vice Presidents and President/CEOs of the Healthcare Units shall ensure compliance with this policy. The Director of Environmental and Occupational Health and Safety Services (EOHSS) shall implement this policy.

### III. DEFINITIONS

See EXHIBIT.

### IV. POLICY

#### A. Requirements:

1. The University will comply with the New Jersey Worker and Community Right-to-Know Act, N.J.S.A. 34:5A-1 et. seq. and with Public Employees Occupational Safety and Health (PEOSH) Hazard Communication Standard (HCS) (N.J.A.C. 12:100-7), which require that employees shall receive information and training regarding hazardous chemical substances in their work environment.
2. The UMDNJ Right-to-Know (RTK) Program is composed of five main components:
  - a. Training - Employees exposed to hazardous chemical substances in the course of their work with the University will receive initial and biennial (i.e., every other year) education and training with the goal of increasing individual awareness about the provisions of the law and hazards of working with chemical substances.
  - b. Central Files - Specific and general information pertaining to hazardous chemical substances and products will be collected and maintained within the workplace and at central location(s).
  - c. Container Labels - RTK specifies guidelines for labeling hazardous chemical or products used in the workplace.

- d. RTK Poster - Conspicuously display official posters in the workplace showing employees and visitors that the University's adheres to the law.
  - e. Survey - The University will prepare and report, on an annual basis, a survey of the hazardous chemical substances for each one of its facilities. UMDNJ shall use the New Jersey Department of Health and Senior Services (NJDHSS) format for transmitting this information. As required, the University will submit the annual survey by July 15 of every year. A copy of the latest survey will be available at Central File locations.
3. R&D Exemption - The University will pursue exemptions for qualified Research & Development (R&D) operations from the annual RTK hazardous chemical substance survey and stricter labeling requirement. The local Fire Department, the NJDHSS, and the New Jersey Department of Environmental Protection (NJDEP) must approve a written communications plan for the R&D portion of each facility in order to qualify for exemption.

B. Responsibilities:

1. The Deans, Vice Presidents and Associate Vice Presidents are responsible for ensuring full compliance with the NJRTK law. This includes, but is not limited to the following requirements:
  - a. ensuring employees exposed to hazardous substances in the workplace receive appropriate training to meet PEOSH HCS (HAZCOM) requirements;
  - b. ensuring that incoming students who are exposed to hazardous chemical substances in the course of their educational experience are given appropriate HAZCOM training as part of their orientation;
  - c. working with EOHSS to administer and maintain the RTK program within their School/Unit;
  - d. making relevant information pertaining to hazardous chemical substances accessible to School/Unit constituents;
  - e. ensuring proper labeling of all hazardous chemical containers and displaying appropriate warning signs;
  - f. working with EOHSS to initiate applications for new R&D facilities from the NJDHSS/NJDEP and maintain previous exemptions.
2. Responsibilities of the University Environmental Coordinator (EOHSS):
  - a. working in conjunction with the departmental managers and supervisors, Safety Committees, and appropriate external agencies to ensure continued University compliance with all RTK program requirements;
  - b. developing and implementing appropriate policies and procedures, and audits to ensure RTK compliance throughout University work areas. Reporting incidents of noncompliance to Directors for remedial action;
  - c. coordinating the annual RTK survey of the facilities owned, leased, or operated by the University. Sending completed survey information, within the required period, to NJDHSS, local fire and police departments, and designated offices of county lead agencies. A copy of the RTK survey will also be sent to the UMDNJ Central File locations;

- d. working with the School/Unit Administrators to establish written communication plans for maintaining or obtaining R&D exemptions for existing or new facilities from the local fire department and the NJDHSS;
  - e. serving as the UMDNJ intermediary with external groups, such as emergency responders, NJDHSS inspectors, Fire Department officials, etc.; and
  - f. reporting pertinent information pertaining to program administration and compliance to the Director of EOHSS.
3. The Environmental Specialist (EOHSS) working in conjunction with the University Environmental Coordinator is responsible for developing and delivering all RTK compliance and HAZCOM training programs. Specifically:
- a. Compliance
    - i. performing compliance audits to ensure that HAZCOM training, labeling, posters, record keeping, and reporting requirements are met throughout University work areas;
    - ii. working with area supervisors and departmental managers for remedial action regarding noncompliance.
    - iii. maintaining a master file of Material Safety Data Sheet (MSDS) for the products containing hazardous substances used on each campus of the University. Updating the MSDS information in the RTK Central files, at a minimum, annually;
    - iv. issuing RTK posters to all UMDNJ facilities;
    - v. maintaining chemical inventories (including hazardous and non-hazardous chemicals), both electronic and hard copies, for all applicable UMDNJ schools/units/departments;
  - b. HAZCOM Training
    - i. providing initial HAZCOM training to all new employees as required;
    - ii. providing refresher training every two years to all employees requiring update training;
    - iii. providing course outlines and oversight of all programs conducted within Schools/Units by course qualified supervisors, including annual training;
    - iv. updating HAZCOM training programs, when there have been changes to the regulatory requirements;
    - v. maintaining an appropriate master file to validate that those individuals requiring HAZCOM training receive said training; and
    - vi. creating and maintaining a written HAZCOM Plan to comply with PEOSH HCS (N.J.A.C. 12:100-7).
4. Responsibilities of Department Administrators, Managers, and Supervisors:
- a. monitoring compliance within their areas. This includes ensuring:
    - i. employees and students have received the proper training

- ii. maintenance of work area/laboratory MSDS files
  - iii. properly labeled containers
  - iv. appropriate signs are posted
  - v. hazardous material inventory is conducted annually
- c. forwarding copies of MSDS, upon receipt of chemical shipments, to the EOHSS for central file maintenance.
  - d. attending appropriate training programs offered by EOHSS;
  - e. conducting a walk through of the work area for new employees and current employees receiving new assignments/positions within one month;
  - f. ensuring employees have access to the Written HAZCOM Plan.
  - g. informing EOHSS of any health and safety issues/concerns brought to light during a training program; and
  - h. working with the Environmental Specialist to schedule training programs.
5. The Department of Environmental and Occupational Health and Safety Services is responsible for maintaining master files of all health and safety Incident Reports and exposure monitoring results.
6. Responsibilities of the Operations Department:
- a. providing information to EOHSS for preparation of the written communication plans required by the local fire departments in connection with the R&D Exemption application;
  - b. assisting the EOHSS in maintaining compliance with the RTK poster program through the Work Order Procedure; and
  - c. working with the EOHSS in the correction of potential code violations contributing to unsafe working conditions.
  - d. informing University departments of chemicals brought into UMDNJ premises by outside contractors under section 12.d.
7. The Department of Public Safety, specifically its Dispatchers, is responsible for receiving complaints and routing them to the proper department for further evaluation and remedial action.
8. Responsibilities of the University Libraries:
- a. maintaining RTK reference material at the circulation desks of designated campus libraries, as part of the RTK Central File requirement. Each RTK Central File will contain or provide electronic access to the following:
    - i. MSDS information
    - ii. Local campus "Annual RTK Surveys"
    - iii. NJ Hazardous Substance Fact Sheets (HSFS)
    - iv. RTK Hazardous Substance List

- b. ensuring that the information is readily accessible to University faculty, staff, students, and volunteers during the Libraries' regularly scheduled operating hours.
9. Responsibilities of Purchasing Services:
- a. acquisition of chemicals and chemical products;
  - b. developing and implementing appropriate policies and procedures to ensure that chemical procurement, receiving, storage, distribution, and record keeping practices are in conformance with the RTK program;
  - c. informing chemical/product vendors that appropriate labels and MSDS are to be included with product delivery. Specifically, directing, when feasible, chemical and product orders to vendors that fully comply with NJ RTK labeling requirements;
  - d. stipulating in all contracts a requirement by contractors to maintain a binder of MSDS for all hazardous chemicals or products brought on campus and to inform EOHSS of all hazardous or potentially hazardous chemicals brought onto University property.
10. Responsibilities of Supply, Process & Distribution (SPD):
- a. stocking and distributing chemicals and chemical products at each campus;
  - b. maintaining MSDS files for chemicals and products acquired for stocking and distribution from campus general stores, send copies of MSDS to the Department of EOHSS to assist with central MSDS file maintenance.
11. The Office of Legal Management is responsible for advising the EOHSS of regulatory developments that may affect UMDNJ's RTK compliance status.
12. The Department of Information Services and Technology is responsible for providing systems development assistance to the EOHSS to facilitate the RTK record keeping and reporting requirements for the University.
13. Responsibilities of the Office of Risk and Claims Management:
- a. forwarding copies of health and safety related Incident Reports to EOHSS, in a timely manner; and
  - b. maintaining OSHA 200 Logs and supplying a complete set of the Logs to EOHSS, annually.
14. The Department of Human Resources is responsible for providing new employees with RTK and PEOSH pamphlets, information on EOHSS and training information during their weekly new employee orientation program. Provide EOHSS access to electronic attendance lists for all new employees.
15. The Supervisors of individuals who are exposed or potentially exposed to hazardous substances in the course of their work with the University are responsible for ensuring compliance with RTK program guidelines within their workplace. Specific requirements will include:
- a. maintaining an up-to-date MSDS file for all the hazardous substances used within their area of responsibility;
  - b. forwarding copies of MSDS received with chemical shipments to the Department of EOHSS;

- c. contacting the campus Public Safety Dispatch Office and EOHSS to report potentially hazardous situations in the workplace; and
- d. ensuring proper container labeling.

NOTE: Follow RTK labeling requirements for any chemical transferred to another container and not entirely used in an 8-hour work-shift. Such labeling should indicate the chemical name(s) and Chemical Abstracts Service number(s) of all hazardous substances in the container, and all other substances that are among the five most predominant substances in the container, or their trade secret registry number(s) [N.J.S.A. 8:59-5]. Another option is to label containers in accordance with the Public Employee Occupational Safety and Health Act (PEOSHA) Laboratory Standard (i.e., OSHA Hazard Communication Standard label requirements [29 CFR 1910.1200.]).

- 16. The individual employee and student is responsible for following established RTK policy and procedures and informing their immediate supervisor of a hazardous situation or potentially hazardous situation.

NOTE: Employees and students are encouraged to follow the "Chain of Command" within their school/unit or department to address health and safety issues. However, they have the right, by law, to bring such concerns to the attention of EOHSS, if they do not believe that the concerns are being addressed adequately.

C. Enforcement:

- 1. Compliance with the provisions of the Worker and Community Right-To-Know Act and PEOSH Hazard Communication Standard, and the guidelines set forth in this policy by all faculty, staff and administration is mandatory.
- 2. Policy violations will result in appropriate disciplinary actions and unfavorable performance appraisals.
- 3. Pursuant to N.J.S.A. 34:5A-31, the Commissioners of the State Department of Health and Senior Services and/or Department of Environmental Protection are authorized to impose a civil administrative penalty of up to \$2,500 for each violation and additional penalties of up to \$1,000 for each day during which a violation continues after receipt of an order from the Commissioner to cease the violation.

V. EXHIBIT

DEFINITIONS

By Direction of the President:

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Senior Vice President for Administration and Finance

## EXHIBIT

### DEFINITIONS

- A. Right-To-Know or RTK or NJRTK - This term or acronym refers to the New Jersey Right-to-Know Worker and Community Right-to-Know Act, N.J.S.A. 34:5A-1 et seq.
- B. PEOSH Hazard Communication Standard or HAZCOM - This term or acronym refers to the Public Employees Occupational Safety and Health (PEOSH) Hazard Communication Standard (HCS) (N.J.A.C. 12:100-7).
- C. Written HAZCOM Plan – a written document, outlining the provisions of the PEOSH HAZCOM Standard and outlining UMDNJ compliance effort with said Standard.
- D. Employee - An employee is any full-time or part-time salaried, seasonal, or hourly worker.
- E. Exposed Employee - An employee who uses or potentially encounters a hazardous chemical in the course of employment through any route of entry (inhalation, ingestion, skin contact or absorption, etc.).
- F. Department of Health and Senior Services or DOHSS or NJDOHSS - This term and/or acronym refers to the New Jersey Department of Health and Senior Services.
- G. Material Safety Data Sheet or MSDS - Federally mandated information documents required for all hazardous substances and products manufactured or distributed in the United States.
- H. Hazardous Substance Fact Sheets or HSFS - Information sheets developed by the DOHSS of the State of New Jersey for all substances on the "RTK Hazardous Substance List."
- I. Container - A receptacle used to hold a liquid, solid, or gaseous substance, including, but not limited to, bottles, pipelines, bags, barrels, boxes, cans, cylinders, drums, cartons, vessels, vats, and stationary or mobile storage tanks.
- J. Labels - A sign, emblem, sticker, or marker affixed to or stenciled onto a container listing the information required pursuant to N.J.S.A. 34:5A-14.
- K. RTK Poster or Sign - Refers to posting of mandatory RTK informational posters/signs.
- L. RTK Survey - Public employers in New Jersey submit a full survey to the DOHSS every five years. New Jersey Public Employers submit annual updates all other years and submit a full survey for any new facility in a given year. Survey requires employers to identify by facility their inventory of all hazardous substances used and/or stored within the previous twelve months. DOHSS issues a specific form for this purpose. On July 15 of each year, UMDNJ mails the original to the DOHSS, and mails copies to the local fire department, the local police department, and a designated county lead agency.
- M. Emergency Responder - A fire fighter, police officer, emergency medical technician, hazardous materials technician, or other similar person who responds to a hazardous substance spill, fire, or other incident involving the actual or potential release of a hazardous substance.
- N. Research & Development (R&D) Exemption - Exemptions granted by the NJDOHSS to a qualified work area that is identified as 51% or more related to Research and/or Development.
- O. Safety Committee - To assist in maintaining a healthy and safe learning and work environment, the Department of Environmental and Occupational Health and Safety Services will work with a network of committees, Campus Safety Committees and School/Unit Safety Committees. These committees will address both policy and operational issues.
- P. Written Communications Plan - A written plan that responds to the information needs of local fire departments: site descriptions, chemical inventories, door labeling schemes, floor plans, emergency cut-off diagrams, contact names and telephone numbers and other special information needed to adequately prepare responses to emergencies.