UNIVERSITY POLICY

SUBJECT:	HEALTH AND SAFETY		TITLE:	NJ WORKER AND COMMUNITY RIGHT-TO-KNOW ACT	
CATEGORY: Check One	Board of Trustees ☐	Presidential ☒	Functional ☐	School/Unit ☐	
Responsible Executive:	Senior Vice President for Administration		Responsible Office:	Emergency Management and Occupational Health and Safety	
CODING:	00-01-45-25:00	ADOPTED:	10/15/91	AMENDED:	04/15/10
				LAST REVIEWED:	04/15/10

I. PURPOSE

The purpose of this policy is to protect the health and safety of members of the University Community who work with or near hazardous chemical substances. This policy explains how UMDNJ provides University employees, 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. Additionally, this policy establishes how UMDNJ provides University employees with training in accordance with Public Employees Occupational Safety and Health (PEOSH) Hazard Communication Standard (HCS).

II. ACCOUNTABILITY

Under the direction of the President, the Senior Vice President of Administration shall ensure compliance with this policy. The Executive Director of Emergency Management and Occupational Health and Safety (EMOHS), in collaboration with the Director of Environmental and Occupational Health and Safety Services (EOHSS), shall implement this policy.

III. APPLICABILITY

This policy applies to all UMDNJ facilities where hazardous chemicals, substances or products are used and/or stored. A hazardous chemical is any chemical that is a health hazard or a physical hazard pursuant to N.J.A.C. 12:100-7.3.

IV. DEFINITIONS

See EXHIBIT.

V. REFERENCES

A. New Jersey Worker and Community Right-To-Know Act (RTK) N.J.S.A. 34:5A-1 et. seq.

B. Public Employees Occupational Safety and Health (PEOSH) Hazard Communication Standard (HCS) N.J.A.C. 12:100-7

VI. POLICY

A. Requirements:

1. The University will make every reasonable effort to comply with the New Jersey Worker and Community Right-to-Know (RTK) Act and with Public Employees Occupational Safety and Health (PEOSH) Hazard Communication Standard (HCS).

2. Incoming students receive health and safety training during their orientation, which consists of an introduction to RTK and the HCS. Throughout their educational careers at UMDNJ, students also receive instruction about health and safety issues from their laboratory instructors, other faculty members, and laboratory staff members. Even though the RTK law only applies to employees, students are welcome and encouraged to attend and take part in all aspects of the RTK program available to UMDNJ employees. In addition, they must adhere to certain aspects of this policy, including container labeling, signage, and other information pertaining to hazardous chemical substances in the workplace, as appropriate.

3. The UMDNJ 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. The goal of this component is to increase individual awareness about the provisions of the law and about the hazards of working with chemical substances.

   b. Central Files - The central file contains information pertaining to hazardous chemical substances and products within the workplace.

   c. Container Labels - The RTK Program specifies guidelines for labeling hazardous chemicals or products used in the workplace.

   d. RTK Poster - This official poster shall be conspicuously displayed in the workplace showing that the University adheres to the law.

   e. Survey - The University will prepare and submit a survey of the hazardous chemical substances at each of its facilities, annually. 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 to NJDHSS by July 15 of every year. A copy of the latest survey will be available at central file locations.

4. Research and Development Exemption - The University will pursue exemptions for qualified Research and Development (R&D) operations from the annual RTK hazardous chemical substance survey and stricter labeling requirement. The local fire department, 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 Presidents/CEOs of Healthcare Units are responsible for ensuring full compliance with the RTK law within their respective schools/departments/units. This includes, but is not limited to the following requirements:

   a. ensuring employees exposed or potentially exposed to hazardous substances in the workplace receive appropriate training to meet PEOSH HCS (or HAZCOM - the industry wide standard abbreviation for the Hazard Communication Standard) 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/department/unit;

   d. making relevant information pertaining to hazardous chemical substances accessible to school/department/unit constituents;

e. ensuring proper labeling of all hazardous chemical containers and displaying appropriate warning signs; and,

f. working with EOHSS to initiate applications for new R&D facilities from the NJDHSS/NJDEP and maintain previous exemptions.

2. EOHSS oversees the RTK program for the University, ensures compliance, and provides training pursuant to the law as follows:

a. Regarding program oversight, EOHSS:

i. works with the departmental managers and supervisors, Safety Committees, and appropriate external agencies to ensure continued University compliance with all RTK program requirements;

ii. develops and implements appropriate policies, procedures, and audits to ensure RTK compliance throughout University facilities state-wide;

iii. coordinates the annual RTK survey of the facilities owned, leased, or operated by the University; and,

iv. works with the school/department/unit administrators to establish written communication plans for maintaining or obtaining R&D exemptions for existing or new facilities from the local fire department, NJDEP and the NJDHSS.

b. Regarding program compliance, EOHSS:

i. performs audits to ensure that HAZCOM training, and RTK labeling, posters, record keeping, and reporting requirements are met in all University work areas;

ii. works with area supervisors and departmental managers to address noncompliance through remedial actions.

iii. maintains a master file of Material Safety Data Sheets (MSDS) for the products containing hazardous substances used in University facilities state-wide, and updates the MSDS information in the RTK Central files, annually;

iv. issues RTK posters to all UMDNJ facilities;

v. maintains chemical inventories (including hazardous and non-hazardous chemicals), both electronic and hard copies, for all applicable UMDNJ schools/units/departments; and,

vi. maintains master files of all health and safety Incident Reports and exposure monitoring results.

c. Regarding HAZCOM Training, EOHSS:

i. provides initial HAZCOM training to all new employees as required, and to new students as requested by the schools during new student orientation;

ii. provides refresher training every two years to all employees requiring update training, and to students upon request;

iii. updates HAZCOM training programs, when they have been changed pursuant to regulatory requirements;

iv. maintains a master file of HAZCOM training records; and

v. creates and maintains a written HAZCOM Plan to comply with PEOSH HCS.

3. Department Administrators, Managers, and Supervisors shall:

a. monitor compliance within their areas;

b. maintain an up-to-date MSDS file for all the hazardous substances used within their area of responsibility;

c. contact the campus Public Safety Dispatch Office and EOHSS to report potentially hazardous situations in the workplace;

d. forward copies of MSDS, upon receipt of chemical shipments, to EOHSS for central file maintenance;

e. attend appropriate training programs offered by EOHSS;

f. conduct a walkthrough of the work area with new employees and current employees receiving new assignments/positions within one month;

g. ensure employees have access to the Written HAZCOM Plan;

h. work with EOHSS to schedule training programs;

i. inform EOHSS of any health and safety issues/concerns brought to light during training; and

j. ensure proper container labeling.

NOTE: Chemicals purchased from a distributer or manufacturer are typically labeled properly. However, all Departments must affix an RTK label for any chemical they transfer to an unlabeled container and that is not entirely used in an 8-hour work-shift. Labels must include the chemical name(s) and Chemical Abstracts Service (CAS) 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].

4. Physical Plant Department:

a. provides 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. assists EOHSS in maintaining compliance with the RTK poster program through the Work Order Procedure; and

c. works with EOHSS to correct potential code violations contributing to unsafe working conditions.

d. informs University departments of chemicals brought into UMDNJ premises by outside contractors under section 12.d.

5. The Department of Public Safety is responsible for receiving complaints and routing them to the proper department for further evaluation and remedial action.

6. The University Libraries:

a. maintain 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. ensure that the information is readily accessible to members of the University Community during the Libraries' regularly scheduled operating hours.

7. Purchasing Services:

a. provides a mechanism to acquire chemicals and chemical products;

b. uses an appropriate system, such as Marketplace, to identify and track purchases of hazardous materials; this helps the University ensure worker and community health and safety, and environmental regulatory compliance through interdepartmental communication;

c. develops and implement appropriate policies and procedures to ensure that chemical procurement, receiving, storage, distribution, and record keeping practices conform with the RTK program;

d. informs chemical/product vendors that appropriate labels and MSDS are to be included with product delivery; and

e. stipulates 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.

8. Logistical Services:

a. stocks and distributes chemicals and chemical products on each campus;

b. maintains MSDS files for chemicals and products acquired for stocking and distribution from campus general stores; and

c. sends copies of MSDS to EOHSS to assist with central MSDS file maintenance.

9. Risk and Claims Management:

a. forwards copies of health- and safety- related Incident Reports to EOHSS, in a timely manner; and

b. maintains OSHA 200 Logs and supplies a complete set of the Logs to EOHSS, annually.

10. The Department of Human Resources (HR) is responsible for providing new employees with RTK and PEOSH pamphlets, information on EOHSS, and training information during their new employee orientation program. HR gives EOHSS access to electronic attendance lists for all new employees.

11. Employees, and students (as appropriate), are responsible for following established RTK policy and procedures, and informing their immediate supervisor of a hazardous or potentially hazardous situation.

NOTE: Employees and students are encouraged to follow the "Chain of Command" within their school/unit/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 their concerns are being addressed adequately.

C. Enforcement:

1. All employees are required to comply 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; students are required to comply with applicable portions of the policy.

2. Policy violations will result in appropriate disciplinary actions, unfavorable performance appraisals, and/or other appropriate sanctions.

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. These agencies may impose additional penalties of up to $1,000 for each day that a violation continues after receipt of an order from the Commissioner to cease the violation.

VII. EXHIBIT

Definitions

By Direction of the President:

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Senior Vice President for Administration

EXHIBIT

Definitions

A. 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.

B. Emergency Responder - A fire fighter, police officer, emergency medical technician, hazardous materials technician, or other similar professional who responds to a hazardous substance spill, fire, or other incident involving the actual or potential release of a hazardous substance.

C. Employee - For the purposes of this policy, the term means a member of any of the following groups: faculty, staff, house staff, postdoctoral fellows, visiting researchers, and other personnel of a similar nature. An employee may be a full-time or part-time salaried, seasonal, or hourly worker.

D. Exposed Person - An employee, student or volunteer 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.).

E. Hazardous Substance Fact Sheets (HSFS) - Information sheets developed by the NJDHSS for all substances on the "RTK Hazardous Substance List."

F. 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.

G. Material Safety Data Sheet (MSDS) - Federally-mandated informational documents required for all hazardous substances and products manufactured or distributed in the United States.

H. Research & Development (R&D) Exemption - Exemptions granted by NJDHSS to a qualified work area that is identified as 51% or more related to Research and/or Development.

I. RTK Survey - Requires employers to identify (by facility) an inventory of all hazardous substances used and/or stored at that location within the previous twelve months.

J. Written Communications Plan - A written plan that responds to the informational needs of local fire departments. The plan includes: 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

K. Written HAZCOM Plan - a written document, outlining the provisions of the PEOSH HAZCOM Standard and outlining UMDNJ compliance effort with the Standard.