

# Employee Right to Know Program

## Policy

All State Operated Services must inform their employees about routine exposure to hazardous substances, harmful physical agents, or infectious agents and must maintain procedures that conform to the requirements of this policy.

## Authority

- [29CFR1910.95](#) Occupational noise exposure
- [29CFR1910.97](#) Nonionizing radiation
- [29CFR1910.134](#) Respiratory protection
- [29CFR1910.146](#) Permit-required confined spaces
- [29CFR1910.1001](#) Asbestos, tremolite, anthophyllite, and actinolite
- 29CFR1910.1020 Access to employee exposure and medical records
- [29CFR1910.1030](#) Bloodborne pathogens
- [29CFR1910.1096](#) Ionizing radiation
- [26CFR1926.1101](#) Asbestos
- [Minnesota Statute 182.653 sub. 4](#) Rights and Duties of Employers
- [Minnesota Rules, part 5206](#) Employee Right-to-Know (RTK) Rules
- [Minnesota Rules, part 5205.0110 subpart 2](#) Workroom Ventilation and Temperature

## Purpose

To ensure employees are aware of the dangers associated with occupational exposure to hazardous substances, harmful physical agents, or infectious agents, and know how to reduce or avoid exposure to these items.

## Definitions

**Action level:** The hazardous substance or physical agent exposure level above which specific actions are required.

**Blood-borne pathogens:** The microorganisms that are present in human blood and other body fluids that can cause disease in humans.

**Global Harmonization System (GHS):** A new method of standardizing the classification and labeling of chemicals

**Harmful physical agent:** A physical agent that presents a significant health risk to workers. Physical agents include heat, noise, ionizing radiation and nonionizing radiation.

**Information Service:** Statewide hazardous substance and infectious agent information service ((888) 673-7466).

**Hazardous substance:** A chemical, substance or mixture of chemicals or substances listed in Minnesota Rules, part 5206.0400 subpart 5 and any other recognized hazardous substance.

**Immediate use container:** A container into which a substance is transferred from a labeled container, is under the control of, and used only by, the person who transfers it from the labeled container and is used only within the work shift in which it is transferred.

**Infection control staff/other qualified person:** Includes the infection control officer, Infection Control Committee Members or others who are qualified to provide training as judged by the completion of specialized infection control courses, degrees, certifications, etc.

**Infectious agent:** A communicable bacterium, virus, or fungus listed in Minnesota Rules, part 5206.0600 subparts 4, 5, or 6, and parasites, rickettsia and any other recognized infectious agent.

**Material Safety Data Sheet (MSDS):** A product information sheet required by Minnesota Statutes, Section 182.655 subdivisions 4b, 4c and 4e regarding the physical, chemical and hazardous properties of a substance or mixture. Also known as Safety Data Sheet (SDS).

**Permissible Exposure Level (PEL):** The published OSHA maximum level of a contaminant or a physical agent to which an employee may be exposed.

**Personal Protective Equipment (PPE):** Devices designed to protect the eyes, face, head, body, feet, hands or ears from hazards.

**Routinely exposed:** A reasonable potential for exposure to a hazardous substance, harmful physical agent or infectious agent exists during the normal course of assigned work. Routinely exposed does not include exposure to a product packaged for and intended for use by the public if the occupational exposure is similar to the typical consumers exposure or to hazardous substances that are not released under normal conditions.

**Safety Data Sheet (SDS):** A new term for a Material Safety Data Sheet (MSDS).

**Standard precautions:** A method of protection from exposure to all body fluids secretions and excretions except sweat by using PPE, engineering controls and work practices.

**Technically qualified individuals (TQI):** Physicians, pharmacists and dentists.

**Threshold Limit Value (TLV):** Contaminant exposure limits published by the American Conference of Governmental Industrial Hygienists.

**Universal precautions:** A method of protection from exposure to regulated body fluids by assuming all persons may be infected with a blood-borne pathogen.

## **Responsibilities/procedures:**

### **Supervisors (with the assistance of safety and health administrators) must:**

- Survey work areas to identify and document the presence of hazardous substances, and harmful physical agents near the action or permissible exposure level, to which employees are routinely exposed.
- Identify employees exposed to the substance or agent.
- Obtain copies of MSDS forms for all hazardous substances to which employees are routinely exposed, and make them available to exposed employees.
- Obtain information sheets that include the information required in Minnesota Rules, part 5206.0800, subpart 1, on all harmful physical agents to which employees are routinely exposed near the action or permissible exposure level, and ensure that they are available to exposed employees.
- Provide RTK training to employees, before exposure to a harmful physical agent, or a hazardous substance and at least annually after that. RTK training for hazardous substances must include the following items:
  - An overview of the Right-to-Know Rule
    - The name(s) of the substance
    - The route(s) of exposure
    - Level, if any and if known, at which exposure to the substance(s) has been restricted
    - Clinical signs and symptoms of overexposure
    - Potential for flammability, explosion or reactivity
    - Proper conditions of use
    - Personal hygiene and appropriate emergency treatment
    - Procedures for clean up of leaks and spills
    - Explanation of how to read and understand an MSDS
    - Where to obtain the MSDS and additional information.
  - RTK training for harmful physical agents must include the following items:
    - An overview of the Right-to-Know Rule
    - The name(s) of the physical agent
    - Level, if any and if known, at which exposure to the physical agent has been restricted, according to guidelines established by competent professional groups
    - Known acute and chronic effects of exposure at hazardous levels
    - Known symptoms of the exposure effects
    - Appropriate emergency treatment
    - Known proper conditions for use of and/or exposure to the physical agent
    - Name, telephone number and address, if relevant, of a manufacturer of the harmful physical agent
    - Where to obtain additional information.

Supervisors must ensure that hazardous substances are properly labeled, stored and used according to their labels, and ensure that locations containing harmful physical agents are posted with a sign specifying the agent.

### **Infection control staff/other qualified personnel (with the assistance of safety and health administrators):**

- Survey SOS work areas to identify and document the presence of infectious agents to which employees are, or may be, exposed.
- Maintain the information required by Minnesota Rules, part 5206.0700 subpart 4 and OSHA standard 29CFR1910.1030 on all infectious agents to which employees are routinely exposed, and make this information readily available to employees.
- Provide infectious agents training and information to all employees, before being exposed and annually after that.
- Training must consist of, at least, the following elements:
  - Overview of the Right-to-Know Rule and the Blood-borne Pathogen Standard
  - Chain of infection, or infectious disease process, including:
    - Agents
    - Reservoirs
    - Mode(s) of escape from the reservoir
    - Mode(s) of transmission
    - Mode(s) of entry into a host
    - Host susceptibility.
  - An explanation of the methods to recognize tasks or other activities that may involve exposure to potentially infectious materials
  - An explanation of the techniques an employee must use to prevent or reduce exposure such as work practices, engineering controls and personal protective equipment, during normal and emergency circumstances
  - Information on the types, selection, correct usage, availability, handling, decontamination or disposal of personal protective equipment.
  - Hazards to special at-risk employee groups
  - Recommended immunization and required post-exposure procedures
  - How to obtain additional information, reference materials, a copy of the Exposure Control Plan, a copy of the blood-borne pathogen standard, including the location, contents and availability of pertinent materials that explain symptoms and effects of each infectious agent
  - How to read infectious material labels and signs
  - Allow an opportunity for interactive questions and answers.

### **Physical plant supervisors/managers/directors (with the assistance of safety and health administrators)**

Notify contractors, in writing, of hazardous substances the contractors' employees may be exposed to while performing their work, and of the appropriate protective measures to take before commencing work.

Notify exposed employees of the hazards of any infrequent tasks, and the hazards associated with any hazardous substances contained in unlabeled pipes in their work area.

### **Purchasers: Ensure that an MSDS is supplied with all hazardous products.**

Training and product information documentation:

- Technically qualified individuals are exempt from hazardous substance and harmful physical agent training.
- Training records must be maintained for three years and include the:
  - Date training was conducted
  - Name, title and qualifications of the person who conducted the training
  - Names of employees who completed the training
  - A summary or outline of the information included in the training session.

MSDS forms for all hazardous products currently or previously used must be maintained for 30 years.

## **Cancellations**

This policy supercedes DHS Policy dated October, 2007.

## **References**

- [Confined Space Entry](#) (DHS Policy)
- [Chemical Emergency Planning and Community Right-to-Know](#) (DHS Policy)
- [Hepatitis B \(PDF\)](#) (SOS Policy 8020)
- [Hearing Conservation](#) (DHS Policy)
- Human Immunodeficiency Virus (SOS Policy 8040)
- [Laboratory Safety](#) (DHS Policy)
- [Personal Protective Equipment](#) (DHS Policy)
- [Respirator Protection Program](#) (DHS Policy)
- [Tuberculosis Exposure Control \(PDF\)](#) (SOS Policy 8050)
- [Universal Precautions for Bloodborne Pathogens \(DOC\)](#) (SOS Policy 8010)

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## Policy History:

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