

**LAMAR UNIVERSITY**

**HAZARD COMMUNICATION PLAN**

**JUNE 2004**

**Reviewed August 2005 – no amendments.**  
**Reviewed August 2006 – no amendments.**  
**Reviewed August 2007 – no amendments.**  
**Reviewed August 2008 – no amendments.**  
**Reviewed August 2009 – Training and education program revised.**  
**Reviewed August 2010 – no amendments.**

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CFR Section 1910.1200(c), or a hazardous substance as defined by the OSHA standard in 29 CFR Section 1910.1200(d)(3), or by OSHA's written interpretations. A hazard determination may be made by employers who choose not to rely on the evaluations made by their suppliers if there are relevant qualitative or quantitative differences. A hazard determination shall involve the best professional judgment.

"Health hazard" has the meaning given that term by the OSHA standard (29 CFR 1910.1200(c)).

"Identity" means a chemical or common name, or alphabetical or numerical identification, that is indicated on the material safety data sheet (MSDS) for the chemical. The identity used must permit cross-references to be made among the workplace chemical list, the label, and the MSDS.

"Label" means any written, printed, or graphic material displayed on or affixed to a container of hazardous chemicals.

"Material Safety Data Sheet" ("MSDS") means a document containing chemical hazard and safe handling information that is prepared in accordance with the requirements of the OSHA standard for that document.

"Physical hazard" means a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive), or water-reactive in terms defined in the OSHA standard.

"Work area" means a room, a defined space, a utility structure, or an emergency response site in a workplace where hazardous chemicals are present, produced, or used and where employees are present.

"Workplace" means an establishment, job site, or project, at one geographical location containing one or more work areas, with or without buildings, that is staffed 20 or more hours a week.

### **Applicability – Persons Covered**

The Hazard Communication Act applies to all employees, but does not apply to students, unless they are also employees. Nevertheless, it is University policy to provide students with the same education, training and notifications as would be provided to employees in the same circumstances. The Act covers exposures to employees in the workplace (in this instance, the workplace includes all Lamar University buildings and facilities on the Beaumont campus) without regard to the particular activity that they may be engaged in. However, it does not cover workers such as office workers or accountants who encounter hazardous substances only in non-routine, isolated instances.

## **Applicability – Hazardous Substances Covered**

The Hazard Communication Act does not apply (although other statutory and regulatory requirements almost always do apply) to

- (1) any hazardous waste, as that term is defined by the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Section 6901 et seq.), when subject to regulations issued under that Act by the Environmental Protection Agency;
- (2) a substance in a laboratory under the direct supervision or guidance of a technically qualified individual if:
  - (A) labels on incoming containers of chemicals are not removed or defaced;
  - (B) the employer complies with the MSDS requirements below and the Employee Training requirements below with respect to laboratory employees; and
  - (C) the laboratory is not used primarily to produce hazardous chemicals in bulk for commercial purposes;
- (3) tobacco or tobacco products;
- (4) wood or wood products;
- (5) articles ["Article" means a manufactured item: (A) that is formed to a specific shape or design during manufacture; (B) that has end-use functions dependent in whole or in part on its shape or design during end use; and (C) that does not release, or otherwise result in exposure to, a hazardous chemical under normal conditions of use.]
- (6) food, drugs, cosmetics, or alcoholic beverages in a retail food sale establishment that are packaged for sale to consumers;
- (7) food, drugs, or cosmetics intended for personal consumption by an employee while in the workplace;
- (8) any consumer product or hazardous substance, as those terms are defined in the Consumer Product Safety Act (15 U.S.C. Section 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. Section 1261 et seq.), respectively, if the employer can demonstrate it is used in the workplace in the same manner as normal consumer use and if the use results in a duration and frequency of exposure that is not greater than exposures experienced by consumers;
- (9) any drug, as that term is defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Section 301 et seq.); and

(10) radioactive waste.

The specific **labeling** provisions of the Hazard Communication Act do not apply (although other statutory or regulatory provisions may well apply) to

(1) any pesticide, as that term is defined in the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Section 136 et seq.), when subject to the labeling requirements of that Act and labeling regulations issued under that Act by the Environmental Protection Agency;

(2) any food, food additive, color additive, drug, cosmetic, or medical or veterinary device, including materials intended for use as ingredients in those products such as flavors and

Act seemingly requires a paper copy be on hand.

Departments with primarily large scale commercial products such as boiler treatment chemicals and similar should continue to maintain paper copies of MSDSs as the primary source as they may not be readily available on the web.

## **Labels**

(a) A label on an existing container of a hazardous chemical may not be removed or defaced unless it is illegible, inaccurate, or does not conform to the OSHA standard or other applicable labeling requirement. Primary containers must be relabeled with at least the identity appearing on the MSDS, the pertinent physical and health hazards, including the

exposure to hazardous substances in the employee's work area increases significantly or when the employer receives new and significant information concerning the hazards of a substance in the employee's work area. The addition of new chemicals alone does not necessarily require additional training. (In lab classes where students are provided with generalized education and training at the beginning of the semester, specific training on the hazards of the specific hazardous substances to be used in a particular lab procedure must be provided at the beginning of the lab period.)

Students and employees who are to use or be exposed to highly hazardous materials, including but not limited to pyrophoric organometallic chemicals such as alkyl lithium and aluminum alkyls and related compounds, flammable solids, water reactive metals such as sodium and potassium, compounds that are labeled as poisonous by inhalation must perform a risk analysis prior to using these compounds. Students must ordinarily be directly supervised by a faculty member or other qualified supervisor until they fully experienced in using such compounds. Lab coats made of flame retardant materials must be worn where appropriate.

All employees and students must receive refresher training at intervals not to exceed one year.

The department must provide training to a new or newly assigned employee or student before the employee works with or in a work area containing a hazardous substance. It is University policy that students whose lab work may involve exposure to hazardous substances during an organized (not individual instruction) course receive appropriate education and training at the beginning of the semester in which the course is taught, regardless of any previous education and training.

The department shall keep its written hazard communication program and a recordedu3s017 Tc-, -076 Tc



