

APPENDIX

RIGHT TO KNOW EDUCATION AND TRAINING PROGRAMS

THE NEW JERSEY WORKER AND COMMUNITY RIGHT TO KNOW ACT

New Jersey Department of Health

REQUIREMENTS FOR RIGHT TO KNOW EDUCATION AND TRAINING PROGRAMS

March 1996

The Worker and Community Right to Know Act requires New Jersey public employers to provide their employees who are exposed or potentially exposed to hazardous chemical substances in the workplace with initial and biennial (every two years) education and training programs. (N.J.A.C. 8:59-6) The instructor must be a "technically qualified person" or a certified consultant.

Who Are Exposed and Potentially Exposed Employees?

The definition of **employee** includes any paid full-time or part-time salaried, seasonal or hourly worker, plus volunteer firefighters and volunteers who work for a public employer. (N.J.A.C. 8:59-1.3)

An **exposed employee** is an employee who comes into contact with a hazardous chemical in the course of employment through any route of entry (inhalation, ingestion or skin contact). A **potentially exposed employee** is an employee who will foreseeably come into contact with a hazardous chemical. (N.J.A.C. 8:59-1.3)

Employees who are **not** exposed or potentially exposed are not required to attend these programs, however, they do need to receive the RTK Brochure every two years.

Who Is "Technically Qualified" to Teach?

If the instructor is an employee, this person must meet the definition of a "technically qualified person". (N.J.A.C. 8:59-1.3) A technically qualified person is . . .

1. a person who is a registered nurse, Certified Industrial Hygienist, Certified Safety Professional, or has a bachelor's degree in industrial hygiene, environmental science, health education, chemistry or a related field and understands the health risks associated with exposure to hazardous substances.

OR

2. a person who "has completed at least 30 hours of hazardous materials training offered by the New Jersey State Safety Council, an accredited public or private educational institution, labor union, trade association, private organization or government agency and understands the health risks associated with exposure to hazardous substances, **and** has at least one year of experience supervising employees who handle hazardous substances or work with hazardous substances."

OR

3. a person who has successfully completed a NJDHSS approved Right to Know Train-the-Trainer course.

Who is a "Certified" Consultant?

If the instructor is a private consultant, that consultant must be certified. (N.J.A.C. 8:59-12) A certified consultant is a person whose qualifications have been reviewed and approved by the NJDHSS Right to Know Program. This person may teach an Education and Training Program that has been certified by NJDHSS. Call the Right to Know Program for a current list of certified consultants and consulting agency training programs. A certification letter has been issued to each certified consultant and consulting agency. Ask for it.

THE NEW JERSEY WORKER AND COMMUNITY RIGHT TO KNOW ACT

EDUCATION AND TRAINING PROGRAMS

Initial Program

The initial education and training program must be given to all exposed and potentially exposed new and reassigned employees within 30 days of employment or reassignment. An employer has up to 6 months to train volunteers.

The NJDHSS Right to Know Program estimates that it will take approximately 4 hours to adequately cover the required topics in the initial program. A class size of not more than 25 persons is recommended.

The required course content must contain, at a minimum, the topics listed below and must include the opportunity for the employees to ask questions. This outline is not intended to mandate the order of presentation.

I. A general overview of occupational health, including an explanation of:

- A. Chemical Hazard Identification - Recognition (N.J.A.C. 8:59-6.3(b)(1)(i))
 1. Written information - labels, Material Safety Data Sheets, Hazardous Substance Fact Sheets, Right To Know Survey, PEOSH 200 log, etc.
 2. Form of the substance
 - a. solids
 - b. dusts
 - c. fumes
 - d. liquids
 - e. vapors
 - f. gases
 - g. mists
 3. Knowledge of the work process
 4. Use of your senses - odors, sight, sounds, recurring symptoms
- B. Evaluation of Hazard Seriousness (N.J.A.C. 8:59-6.3(b)(1)(i))
 1. Amount and concentration of the substance (dose)
 2. Length of exposure
 3. Route of exposure
 - a. ingestion
 - b. inhalation
 - c. absorption
 4. Synergism
 5. Individual sensitivity
- C. Types of Damage Caused by Hazardous Chemicals (N.J.A.C. 8:59-6.3(b)(1)(i))
 1. Acute vs. Chronic Effects

2. Adverse Health Effects

- a. Asphyxiants
- b. Carcinogens
- c. Corrosives
- d. Irritants
- e. Mutagens
- f. Poisons
- g. Teratogens
- h. Sensitizers/Allergens

3. Safety Hazards

- a. Combustibles
- b. Explosives
- c. Flammables
- d. Oxidizers
- e. Reactives
- f. Radioactives

D. Measurement and Evaluation of Exposure (N.J.A.C. 8:59-6.3(b)(1)(ii))

1. Sampling procedures
 - a. grab
 - b. continuous
 - c. bulk
 - d. wipe
2. Exposure limits
 - a. TWA (time-weighted average)
 - b. Ceiling Value
 - c. PEL (permissible exposure limit)
 - d. TLV (threshold limit value)

E. Prevention and Control of Exposure (N.J.A.C. 8:59-6.3(b)(1)(iii))

1. Substitution
2. Isolation
 - a. isolate personnel
 - b. isolate work station
 - c. enclose the process
 1. glove boxes
 2. splash guards
3. Ventilation
 - a. General dilution ventilation
 - b. Local exhaust ventilation (LEV)
4. Good housekeeping methods
5. Administrative measures
 - a. job rotation
 - b. frequent breaks
6. Personal protective equipment (PPE)

II. Provisions of the Right To Know Act* (N.J.A.C. 8:59-6.3(b)(4))

- A. Employee rights and employer responsibilities.
 1. The employer's obligation to complete a Right To Know Survey

which identifies chemical products that contain hazardous ingredients. The Survey provides the product name and the name of the hazardous chemical ingredient(s). (i)

2. How to use RTK labeling and the employer's obligation to label containers. (ii)
 3. The purpose and use of Material Safety Data Sheets (MSDS) and Hazardous Substance Fact Sheets (HSFS). (Workers should be familiar with how to use MSDSs and HSFSs **together**. It takes about an hour to adequately cover this material.) (iii)
 4. The RTK Central File and the employer's obligation to maintain it, its location, the right to obtain MSDSs, HSFSs and the RTK Survey, and the method to obtain this information. (iv and v)
 5. An employee's limited right to refuse to work with a substance. (vi)
- B. Provide each participant with a sample RTK Survey, MSDS and HSFS. These should be from the employees' own facility. (i and iii)
- C. Provide a copy of the RTK Brochure. (N.J.A.C. 8:59-6.3(c))
- D. Advise employees that copies of RTK Surveys and HSFSs may also be obtained from County Lead Agencies and the NJDHSS. (N.J.A.C. 8:59-7.1(c) and 7.3(b))

■ Most of this information can be covered by showing the video "PEOSH/RTK: What's It All About?" and reviewing the Right to Know Brochure. Some additional review of the site specific Right to Know (RTK) Survey and RTK labeling is necessary. Call the NJDHSS at (609) 984-2202 to find out how to obtain a copy of the video.

III. Chemical Specific Training (N.J.A.C. 8:59-6.3(b)(2) and (3))

- A. Employees must be trained on every product which poses a health or safety risk to them.

If there are only a few of these products in a facility, the MSDS/HSFSs should be reviewed for all of them. When more than one substance in a chemical class is involved, e.g., corrosives, the training can be generalized for the class of chemicals provided that each employee is advised of the name of each product he or she uses in the chemical class. Employees must be provided with a copy of the correctly completed current Right To

Know Survey, or a list naming all products and their hazardous ingredients grouped according to hazard class. While training by hazard class is useful in a facility where there are large numbers of hazardous chemicals, the MSDS/HSFSs should still be discussed **individually** for the most commonly used products. Whichever method is used, the following must be accomplished:

1. Employees must be advised of the names of the products, what acute and chronic health problems may occur from using the products, and recommended emergency treatment in case of exposure.
2. Proper methods of controlling exposure should be identified for use of the products. Workers must receive training in the use of personal protective equipment, if applicable, including how to properly wear, remove, clean, and store the equipment.
3. Safe handling procedures must be covered.
4. Employees who are responsible for the clean up of spills and firefighting must be trained in the use of any necessary equipment associated with these tasks. If workers are not involved in the clean up of spills or firefighting, they should at least be familiar with the employer's policy about such incidents.

NOTE: Chemical specific training usually takes a **minimum** of one hour to cover.

IV. Walkthrough (N.J.A.C. 8:59-6.3(b)(5))

A walkthrough must be conducted to show the employees the location of the hazardous chemical products to which they are exposed or potentially exposed. This may include the location of first aid, firefighting, spill and clean-up equipment, and engineering controls which are in place to control exposure to hazardous chemicals.

The walkthrough must be documented and may be done by a supervisor. However, **if chemical specific training is to be conducted during the walkthrough, the supervisor must be a "technically qualified person."** Documentation of the walkthrough must be kept with the training program records if it is conducted separately from the rest of the program.

UPDATE PROGRAM

(N.J.A.C. 8:59-6.2(a) and (g))

An Update Program must be given to all employees who received the Initial Program and continue to be exposed or potentially exposed to products who hazardous chemical ingredients pose health and safety risks. It must be conducted by a technically qualified person or a certified consultant. The program must provide summary information about the law as well as information about the health hazards and safe use of products containing hazardous chemicals which are used by the employees.

NOTE: It will take approximately 2 hours to adequately cover the required topics in the Update Program. This training **cannot** be substituted for initial training for new employees.

Be sure to address the following:

1. A review of the current provisions of the Right to Know Act including any amendments to the Act relevant to the employees.
2. Chemical specific training for all **new** hazardous products as well as existing commonly used hazardous products.
Review Material Safety Data Sheets (MSDSs) and Hazardous Substance Fact Sheets (HSFSs) and explain the health effects, safety hazards, controls, and appropriate work practices for new products containing hazardous chemicals. Review the MSDSs and HSFSs for all commonly used hazardous products and explain any new information obtained from the MSDSs and HSFSs. The program should incorporate occupational health principles relevant to the employees while discussing these products.
3. A walkthrough of the facility to identify the location of **new** hazardous products. The walkthrough can be conducted by a supervisor.

NOTE:

- If any required segments were not covered in the Initial or prior Update Programs, the employer **must** be sure to provide the necessary supplemental training in the next Update Program.
- NJDHSS has found that programs frequently fail to provide adequate chemical specific training.
- The video "PEOSH/RTK: What's It All About" can be shown during the Update Program, if not shown previously, to review the provisions of the Act.

AN ABBREVIATED RTK TRAINING PROGRAM CAN BE GIVEN TO EMPLOYEES WHO ARE ONLY EXPOSED TO GASOLINE, OR PHOTOCOPIER TONERS OR DEVELOPERS

(N.J.A.C. 8:59-6.3(f))

An abbreviated Right to Know Education and Training Program is allowed for employees who are only exposed to the chemicals in toner or developer for a copying machine when the employee periodically replenishes the toner or developer in the machine, or to gasoline for a motorized vehicle when the employee periodically fills the vehicle or a small can with gasoline. In these two situations the public employer is **not** required to provide the full education and training program, update training, or a technically qualified trainer. The public employer only has to:

1. Provide the employee with the appropriate Hazardous Substance Fact Sheet and Material Safety Data Sheet for the hazardous chemical in the toner or developer, or gasoline, as appropriate;
2. Review the Hazardous Substances Fact Sheet and Material Safety Data Sheet with the employee and explain all of its provision including health hazards and safe handling procedures;
3. Answer all questions asked by the employee about this information; and
4. Provide the employee with the Right to Know Brochure.

If you choose to provide this option, you must still document the training with signed rosters and keep copies of the Hazardous Substance Fact Sheet and Material Safety Data Sheet as part of your Right to Know Education and Training Program records.

PUBLIC EMPLOYEES WHO ARE EXPOSED TO PRODUCTS USED BY SUBCONTRACTORS

(N.J.A.C. 8:59-6.5)

If public employees are exposed or potentially exposed to a product that belongs to a subcontractor who is working for the employer, and it poses health or safety risks to them, the public employer must provide the employees with:

1. The product's name and the names of all of its hazardous chemical ingredients;
2. Health hazard information; and
3. Protective procedure information.

This information may be presented during the Update Right to Know Education and Training Program or be provided in writing to employees

at any time during the year, if requested by them. The employees must also be provided with the appropriate MSDS and HSFs, if requested.

DOCUMENTATION THAT MUST BE MAINTAINED

(N.J.A.C. 8:59-6.4(a))

An employer must maintain the following documentation of all Right to Know Education and Training Programs and provide it, upon request, to a Right to Know inspector. All material used for Right to Know training purposes shall be typed or legibly written. Records must include:

1. The date, time and location of the training program.
2. The name and qualifications of the instructor or proof of certification for consultants.
3. Rosters of attendance which include the names, signatures and the title or job description of the participants for each session.
4. Whether the course is an initial or update program.
5. Course objectives, including both cognitive (learned) and behavioral.
6. A **detailed** course outline or **detailed** description of covered topics which includes the length of time for each major topic and describes the methods of instruction.
7. Videotapes may be used as a teaching aide but not as a substitute for a live presentation. If a video is used to cover required subjects, a brief written description, including title, producer and subjects covered, must be recorded, or you may keep a copy of the video with the RTK education and training records.
8. Copies must be kept of all handouts. Each participant **must be provided with:**
 - A sample RTK Survey, which preferably is the completed survey from their workplace. (N.J.A.C. 8:59-6.3(b)(4)(i))
 - A sample Material Safety Data Sheet (MSDS). (N.J.A.C. 8:59-6.3(b)(4)(iii))
 - A sample Hazardous Substance Fact Sheet (HSFS) which preferably matches one of the chemicals on the MSDS. (N.J.A.C. 8:59-6.3(b)(4)(iii))
 - The Right to Know Brochure.* The brochure must also be provided to all new employees within the first month of employment regardless of their exposure and every two years thereafter to all employees regardless of their exposure. (N.J.A.C. 8:59-6.3(c))
9. The methods used to evaluate the effectiveness of the program such as tests, exercises or written evaluations.
 - Copies of the Right to Know Brochure can be obtained from the NJDHSS Right to Know Program. Employers can make their own copies if desired. The brochure is helpful in reviewing employee and employer rights and responsibilities. It is available in both English and Spanish.

"PEOSHA & RTK: WHAT'S IT ALL ABOUT?"

Developed by the New Jersey Department of Health and UMDNJ-Robert Wood Johnson Medical School, 1990

(VHS VIDEO, 35 MINUTES)

This video assists public employees and employers in understanding the New Jersey Worker and Community Right to Know Act (RTK) and the Public Employees Occupational Safety and Health Act (PEOSHA). It provides an overview of the RTK and

PEOSH Acts and how to effectively use them to resolve problems.

There are three sections to the video—a discussion of the provisions of the acts and two case situations that demonstrate in-depth applications of the laws. The video may be stopped after each section for discussion.

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The video is available for loan from:

- Right to Know Program
Video Lending Library
New Jersey Department of Health
PO Box 368
Trenton, NJ 08625-0368
- All Right To Know County Lead Agencies
- The New Jersey State Library, County Libraries
and some Local Libraries.

"PEOSHA & RTK: WHAT'S IT ALL ABOUT"
can be purchased for \$75.00 from: Environmental and Occupational Health Sciences Institute (EOHSI) Public Education and Risk Communication Division, Resource Center, 681 Frelinghuysen Road, P.O. Box 1179, Piscataway, NJ 08855-1179, (908) 932-0220.

RIGHT TO KNOW VIDEO LENDING LIBRARY

The Right to Know Program has established a video lending library on occupational health and safety topics. The library will lend videos to any public employer on a limited time basis. For a list of the available videos, write or call the Right to Know Program at (609) 984-2202.

If you would like to borrow any of the videos, please send a letter indicating the video you would like. The letter should include: the name of the person responsible for the video, the date(s) the video will be needed, the expected return date, and a telephone number to enable the Right to Know Program to contact the responsible party.

COMMON QUESTIONS ABOUT RTK EDUCATION AND TRAINING

- Q: Does the NJDHSS Right to Know Program provide RTK education and training for individual facilities?**
- A:** No. Each public employer is responsible for providing their own education and training of employees. However, the Right to Know Program will assist employers by providing them with helpful training materials and by answering any questions. These materials include outlines, videos, and guidelines for developing a training program.
- Q: Can the Right to Know Program recommend a consultant for training?**
- A:** The Right to Know Program cannot recommend a particular consultant. However, the Right to Know Program will provide a list of those consultants who have been given provisional or full certification for RTK education and training.

Q: How can an employer develop an RTK education and training program?

- A:** One of the main resources that identifies the steps in setting up an RTK education and training program is the document "Guidelines for Developing an RTK Training Program" published by the NJDHSS Right to Know Program.

The Right to Know Program has also developed a Right to Know Train-the-Trainer course in conjunction with the Human Resources Development Institute (HRDI). Completing this course will make a public employee a "technically qualified person" and enable that employee to provide RTK training for his/her employer. Call HRDI at (201) 648-4561 for more information about the course.

Q: If a facility does not report any hazardous substances, do the employees in that facility need to receive a Right to Know Brochure?

- A:** No, unless they are firefighters.

Q: Must firefighters who complete the New Jersey State Police Hazmat Emergency Response-Awareness and Operational Courses (in accordance with the Public Employees Occupational Safety and Health Act Standard 29 CFR 1910.120(q)) also be given the full Right to Know Education and Training Program?

- A:** No, if the manuals used are dated May 10, 1990 or later. The State Police Awareness and Operational courses incorporate most of the Right to Know Program's required course content. For initial RTK Training, the only additional training that may be necessary is: 1) to train on hazardous materials in the firehouse (if they are not exempted under the consumer product exclusion), 2) to provide training for personal protective equipment (if not already provided), and 3) to conduct a walkthrough of the firehouse to show the location of any hazardous materials. There must also be Update Right to Know education and training provided to all firefighters. Update RTK training can be combined with the annual refresher training required by CFR 1910.120. The instructor must meet the definition of a "technically qualified person." For the purpose of teaching the new Recruit Firefighters Training Course, a person who has been certified by the Department of Community Affairs as a Firefighter Instructor Level I is considered to meet the definition of a "technically qualified person."

Q: Do all police officers need Right to Know education and training?

A: No. Only those officers that are routinely exposed or potentially exposed to hazardous substances due to the nature of their assigned duties must receive Right to Know education and training. For instance, those who work with photographic chemicals and criminal scene investigation chemicals must receive initial and update Right to Know education and training. Officers that are certified by the New Jersey State Police to conduct breathalyzer tests will be receiving their training while attending the State Police Breathalyzer initial certification and recertification courses.

Q: How can Hazardous Substance Fact Sheets be obtained?

A: Employers have been sent Hazardous Substance Fact Sheets (HSFS) for chemicals re-

ported on their prior RTK Surveys. Periodically employers will also be sent HSFSs for new reported chemicals and HSFSs that have been revised by NJDHSS. If you need additional copies, up to ten individual Hazardous Substance Fact Sheets can be obtained at no charge by calling or writing the Right to Know Program. More than 10 have a charge of 25 cents per copy, plus postage and handling.

Q: What is the RTK poster and where should it be displayed?

A: The RTK poster is a notice advising employees about their right to obtain information about hazardous substances at their workplace and in their community. It must be displayed in facilities that report the presence of hazardous substances on their RTK Survey.