



New Jersey Work Environment Council (WEC) Fact Sheet

Make Sure Public Employers Submit Accurate Chemical Right to Know Surveys

What if you could rid your workplace of unnecessary toxic chemicals and ensure that your co-workers receive training on how to handle those that must remain? This opportunity for winning a safer, healthier workplace is arriving compliments of the *New Jersey Worker and Community Right to Know Act*.

Once every five years, public employers in New Jersey must submit a **complete** *Right to Know (RTK) Survey* to the Department of Health and Senior Services (DHSS) listing hazardous chemicals stored or used by employees at each of their facilities. Every year between complete surveys, employers must send in an **update**. The complete survey for reporting year 2008 is due July 15, 2009. Employers will receive survey forms by mail in April 2009.

Complete surveys are better than updates. This one is especially important. It will be the sixth complete survey since the *New Jersey Worker and Community Right to Know Act* became law in 1983 and the first to use the revised 2007 RTK Hazardous Substance List, which replaces the original 1989 list. The revised list contains 2,455 hazardous substances, including 1,407 special health hazards, defined as carcinogens, mutagens, teratogens, and corrosive, flammable, and reactive materials.



Public employee unions should ensure that public employers do a thorough job completing the 2008 *RTK Survey*. New chemical inventories must be done in all areas of chemical use: laboratories, vehicle garages, printing and duplication, and facility maintenance operations such as cleaning, painting, and indoor and outdoor pest control. Since many employers hire a consultant to complete the survey, unions should review the consultant's contract to ensure it specifies completion of new inventories using the 2007 RTK Hazardous Substance List.

Why the Survey is Important

The *RTK Survey* can provide accurate chemical information and allows for effective training. It provides vital safety information including the names of hazardous products, names of hazardous chemicals in those products, the number of employees who may be exposed, the quantity of hazardous material, and where they are used on site. The survey's value is that it:

- Informs employees about chemical hazards at their workplace so they can work safely with them and/or demand safer substitutes.

- Provides data for monitoring and tracking hazardous substances in the workplace and the environment. For example, DHSS can analyze surveys to determine which employers are using specific chemicals that should be eliminated.
- Helps firefighters, police, and other emergency responders plan for and respond to fires, explosions or spills.

Chance for Chemical Clean-out



Unions should encourage employers to perform a chemical clean out while completing the 2008 inventory and survey. There is no better time, since every chemical container must be examined. Stocks of unnecessarily hazardous, outdated, unknown, excessive, or unused chemicals are present in many workplaces and should be disposed of. Eliminate carcinogens, mutagens, teratogens, corrosives, flammables, reactives, heavy metals (lead, cadmium, mercury) and solvents, whenever possible.

Other RTK Requirements

While checking on the *RTK Survey*, unions should also ensure that employers comply with other RTK requirements for a central file, poster, labeling, and worker information and training.

RTK Central File

The following documents must be in a RTK central file and must be available to all employees:

- Most recent complete *RTK Survey* and updates.
- *Material Safety Data Sheets (MSDS)* for **all** hazardous products at the facility.
- *Hazardous Substance Fact Sheets* for all individual chemicals reported on the *RTK Survey* and updates.
- 2007 RTK Hazardous Substance List.



RTK Poster

The RTK poster must be visible on bulletin boards that are readily accessible to employees. The poster describes the rights of public employees under the RTK Act and

identifies the employer's contact for obtaining information about the law and hazardous materials. The poster is available from DHSS in English and Spanish. It must be posted in Spanish if there are employees whose native language is Spanish.

Container Labeling

Employers must ensure that containers of chemicals are properly labeled. If chemicals are transferred from their original containers into other containers, those need to be labeled too. Labels must comply with **both** the Public Employees Occupational Safety and Health (PEOSH) Hazard Communication standard and the RTK Act.

- Under the PEOSH Hazard Communication, the label must include:
 - The identity of the product or chemical.
 - Appropriate hazard warnings.
 - The name and address of the manufacturer or importer.
- Under the RTK Act, the label must include:
 - The top five ingredients of the product, *whether they are hazardous or not*.
 - Any other hazardous chemicals in the product that are not included in the top five ingredients, unless they are less than 1.0% of the mixture.
 - Any special health hazard chemicals unless they are less than 0.1% of the mixture.
 - Chemical Abstracts Service (CAS) numbers of the ingredients listed on the label. CAS numbers are unique identifiers for chemical compounds.

Employee Information and Training

Unions should ensure that public employers provide all employees potentially exposed to hazardous chemicals during the course of their routine work or in potential emergencies with information and training. This training must be provided upon assignment to work with the hazardous material, when new hazards are introduced into the workplace for which the employee has not already been trained, and every two years thereafter if the worker continues to be exposed to hazardous chemicals. A technically qualified person must provide training on paid time and in a manner consistent with the educational level, literacy, and language of the employees being trained.



The content must comply with the PEOSH Hazard Communication standard and include at least:

- Methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area.
- The physical and health hazards of the chemicals present in their work area.

- The measures employees can take to protect themselves from these hazards, such as appropriate work practices, emergency procedures, and personal protective equipment to be used.
- The details of the hazard communication program developed by the employer, including an explanation of the labeling system and the *Material Safety Data Sheet*, and how employees can obtain and use the appropriate hazard information.
- Information about the applicable provisions of the RTK Act, including an explanation of the RTK Central File, *RTK Survey*, RTK labeling, *Hazardous Substance Fact Sheets*, the RTK Hazardous Substance List, and the RTK poster, and how employees can obtain these documents and use the information from these sources.
- A copy of the official RTK brochure.

For more information

DHSS Right to Know Program

609-984-2202

www.state.nj.us/health/eoh/rtkweb/

PEOSH Hazard Communication Standard

609-984-1863

www.state.nj.us/health/eoh/peoshweb/

New Jersey RTK Hazardous Substance Fact Sheets give accurate and extensive health and safety information on over 1500 specific chemicals. Many of them are available in Spanish. www.state.nj.us/health/eoh/rtkweb/rtkhsfs.htm

PEOSH Public Employer's Guide and Model Written Program for the Hazard Communication Standard, 2005. Helps employers and employees understand the requirements of the PEOSH Hazard Communication Standard (HCS), N.J.A.C. 12:100-7. A sample written hazard communication program is provided to illustrate how to develop a written program. www.state.nj.us/health/eoh/peoshweb/hcsguide.doc

This fact sheet was prepared by the New Jersey Work Environment Council (WEC). WEC is an alliance of labor, community, and environmental organizations working together for safe, secure jobs, and a healthy, sustainable environment. WEC links workers, communities, and environmentalists through training, technical assistance, grassroots organizing, and public policy campaigns to promote dialogue, collaboration, and joint action.

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