Developing a Written Employee Right-to-Know Program

**OVERVIEW**

- The Minnesota-OSHA Employer Right-to-Know (ERTK) program is a written training program designed to inform and educate employees about the hazardous substances, harmful physical agents, and infectious agents employees may come in contact with during the normal course of their work assignments.
- The program is meant to include products normally used by employees to perform their assigned job duties.
  - For example: Employees working in a small engine repair shop may come in contact with hazardous substances or physical agents; employees responsible for cleaning break rooms or restrooms may come in contact with hazardous substances; employees designated as a first-aid attendant may come in contact with infectious agents.
- The program is **not meant** to include products which may be sold to customers, but are not routinely used by employees in the performance of their job duties.
- The Employee Right-to-Know program should include the following:
  - An inventory of hazardous substances, harmful physical agents, or infectious agents which employees may be routinely exposed to in your workplace.
  - Identification of those employees who are routinely exposed to any hazardous substances, harmful physical agents, and infectious agents.
  - An explanation of the system used by your business for obtaining and maintaining written information about the substances and agents present in your store.
  - A plan for the initial, as well as for ongoing, training of your employees about these substances and agents.

**WHAT ARE HAZARDOUS SUBSTANCES, HARMFUL PHYSICAL AGENTS, AND INFECTIOUS AGENTS?**

**Hazardous Substances**

In general, any chemical or substance, or mixture of chemicals or substances that may cause substantial acute or chronic personal injury or illness if exposed.

Example: Clorox regular bleach, Clorox toilet bowl cleaner with bleach, Safety-Kleen professional parts cleaner.

How to determine if a product is hazardous.

- Material Safety Data Sheet (MSDS) – Section 2, Hazards Identification of the MSDS visibly state “hazardous” by OSHA.
- If pH level is 2 or below, or 11 or higher, it is typically considered hazardous. pH levels can be found on the product’s MSDS.
- Product labels may contain words such as danger, corrosive, fatal, damage to eyes, extremely flammable, cancer causing, toxic, etc.
Harmful Physical Agents
There are four harmful physical agents.

- Noise
- Heat
- Ionizing Radiation
- Nonionizing Radiation

Infectious Agents
Infectious agents include bacterial, viral, fungal, etc. For a hardware store, infectious agents are probably most applicable for employees that may be expected to perform first-aid or designated to respond to medical emergencies; in which case, procedures and training on the necessary precautions and proper cleanup of blood and body fluids may be warranted.

DEVELOPING YOUR STORE’S WRITTEN EMPLOYEE RIGHT-TO-KNOW PROGRAM

Disclose Your General Company Policies
- Begin by informing employees that it’s your store’s policy to comply with the Minnesota-OSHA Employee Right-to-Know standards.
- Clearly state who within your company is responsible for the program, who reviews the program as necessary, and who employees should contact to receive written copies of the program.
- If you use subcontractors, or have other people working in your store that aren’t technically your employees, include language such as, “We will also inform our employees of any hazards created by other employers and their employees who may work in our store from time to time.”

Spell Out Your Training Procedures
- Explain that employees who may be potentially exposed to hazardous substances, harmful physical agents, or infectious agents must, and will receive training.
- Explain when and how often those employees will be trained.
- Explain employee training procedures (potential hazards, use of personal protective equipment, emergency response, interpretation and understanding of MSDS, etc.).
- Explain what records of training will be maintained.
  - Training records must be maintained for three years. Records must include dates of training, name, title and qualification of the person who conducted the training, names and job titles of the employees who completed the training, and a brief summary or outline of the information that was included in the training session.
- Provide a list of all known hazardous substances used in your store.
- Provide a list of known physical agents (if any) present in your store.
- Provide a list of infectious agents (if any) potentially present in your store.

Provide Information on Material Safety Data Sheets (MSDS)
- Describe what MSDS are and where they can be found or accessed by employees.
- Explain who is responsible for acquiring and maintaining the MSDS.
Include Information on Labels and Other Forms of Warning
☑ State that all hazardous substances have manufacturer’s labels on their original containers.
☑ Explain that if any substances are transferred from the manufacturer’s container to another container, and stored in the new container, the new container must be properly labeled.
   ➢ Proper labeling identifies the chemical and any appropriate hazard warning.

List Information on Harmful Physical Agents and/or Infectious Agents (if applicable)
☑ List the person responsible for maintaining the Physical Agent Data Sheet (PADS) or comparable written information about the identified harmful physical agents.
☑ Describe where further information about infectious agent disease hazards can be found.

Explain Your Policy for Non-Employees Performing Job Duties in Your Store (if applicable)
☑ If another employer has their employee(s) working in your store (i.e. service representatives or subcontractors), your Employee Right-to-Know policy should explain that it is your store’s policy and responsibility to inform contract employers, and their employees, of possible hazards they may be exposed to while working in your store.