



Commonwealth of Massachusetts

Executive Office of Labor and Workforce Development

MASSACHUSETTS RIGHT TO KNOW LAW

An Overview of Workplace Requirements

Deval L. Patrick, Governor
Timothy P. Murray, Lieutenant Governor

Joanne Goldstein, Secretary
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THE LAW

- ▶ Massachusetts General Law (MGL) Ch. 111F

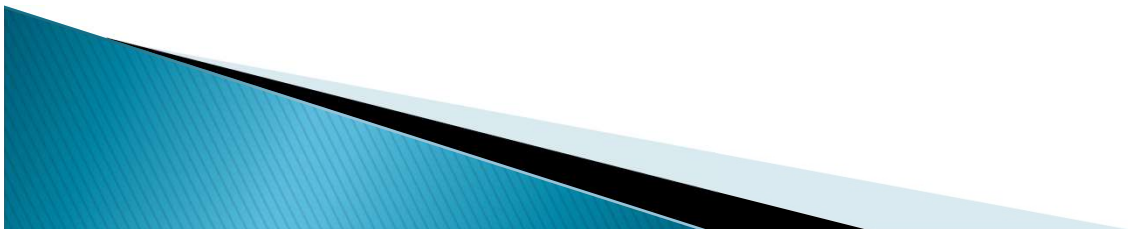
454 CMR 21.00

- ▶ Under the law, employers have certain obligations and employees have certain rights when dealing with chemical hazards

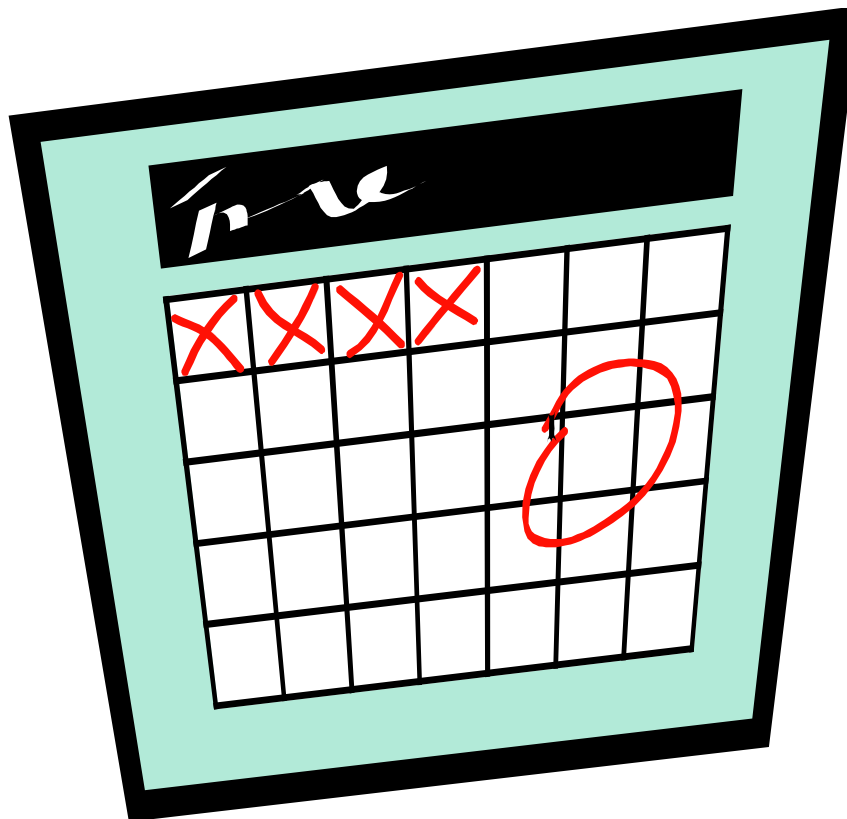


INTENT

- ▶ This law protects employees by providing information on chemical hazards in the workplace
- ▶ Intended to prevent adverse health effects



WHEN THE LAW TOOK EFFECT



- ▶ Law became effective in 1984
- ▶ It was pre-empted by the OSHA Hazard Communication Standard in 1988 for private sector workplaces

WHO IS COVERED BY THIS LAW?

- ▶ Law currently applies to public sector employees working in Massachusetts: people working in state, county or municipal jobs



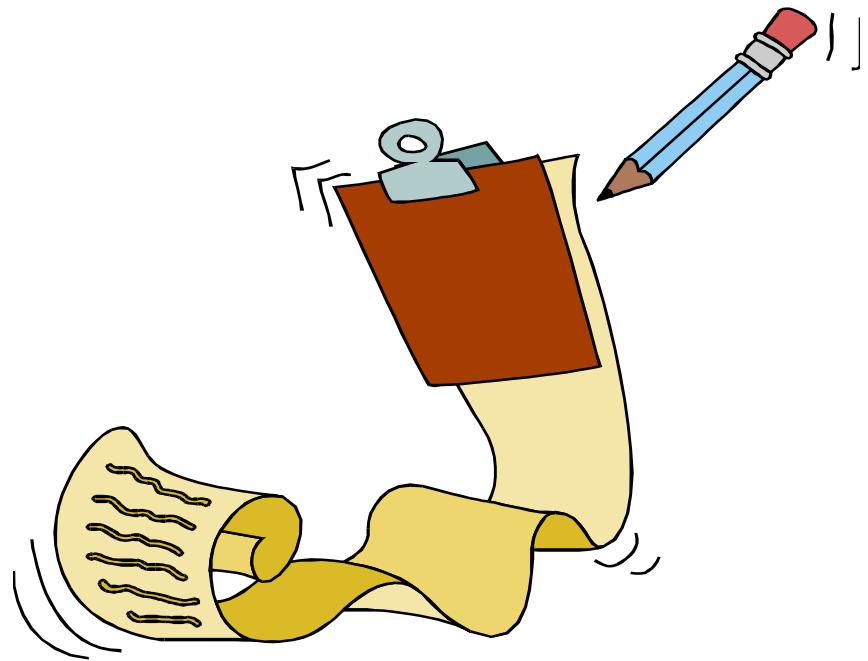
EXCEPTIONS

- ▶ There are certain workplaces for which this law does not apply. These include:
- ▶ Police stations where ammunition is stored
- ▶ Research laboratories (if application is made to the Department of Public Health for an exemption)

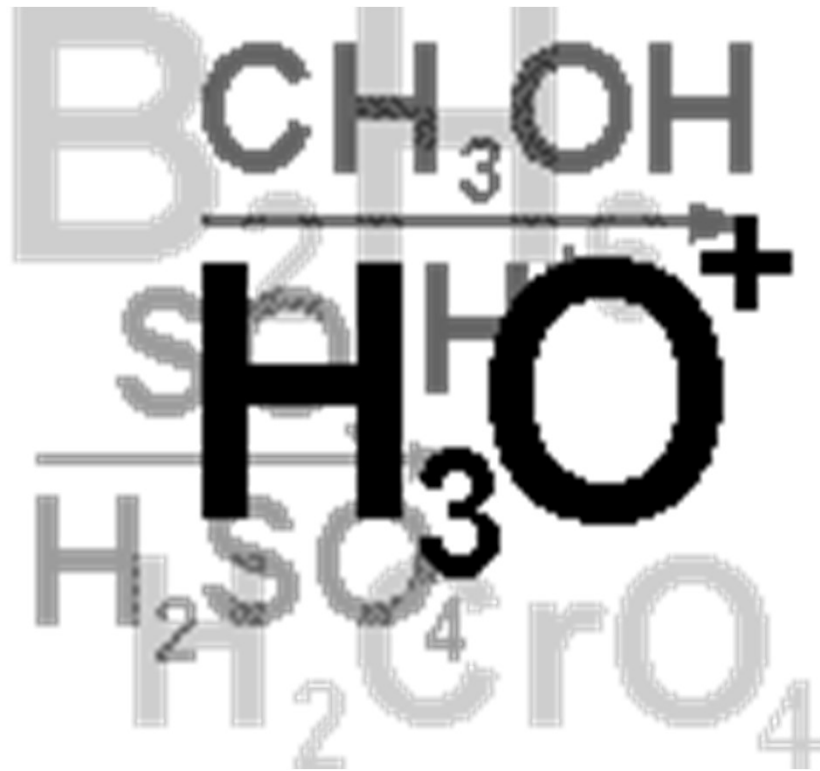


WHAT CHEMICALS ARE COVERED?

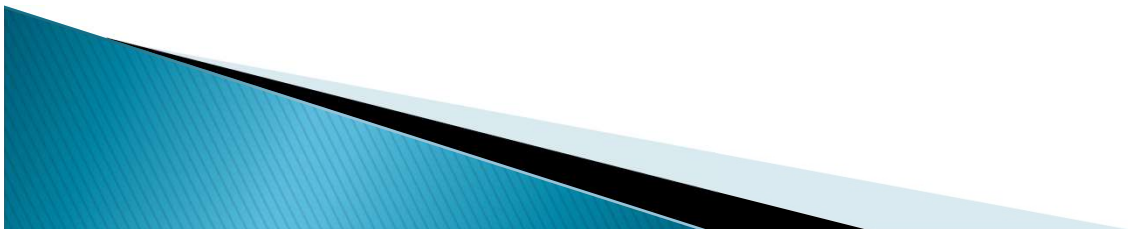
- ▶ According to the letter of the law:
- ▶ The Right to Know law covers only those chemicals on the Massachusetts Substance List – an extensive list of chemicals considered hazardous



ISSUES TO CONSIDER



- ▶ The law requires that the employer compare the workplace chemicals with the list
- ▶ This is very time consuming.



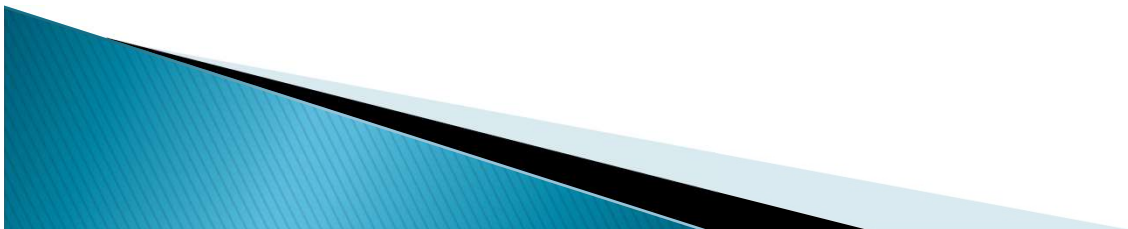
ALTERNATIVE APPROACH

- ▶ By policy, DOS says that a workplace can assume all chemicals for which a material safety data sheet (MSDS) has been prepared are covered by the Right to Know Law.
- ▶ This is the same as the OSHA Hazard Communication standard that all private sector workplaces follow.



ALTERNATIVE APPROACH (cont'd)

- ▶ This alternative approach eliminates the need for the employer to spend time comparing chemical substances to the list AND
- ▶ it is at least as protective since it covers all chemicals that have a hazard



EXEMPTIONS

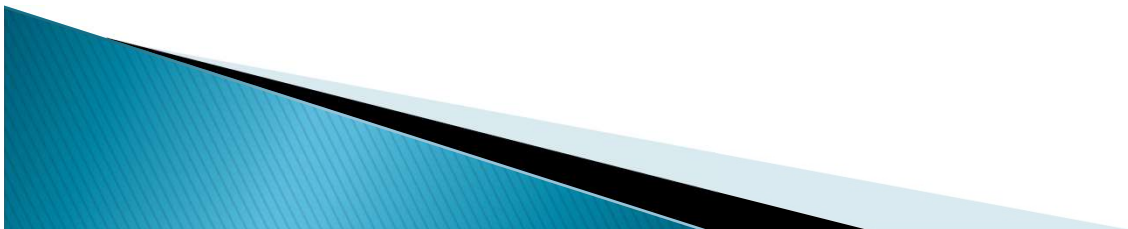


- ▶ There are certain items that are exempt from the law and employers have no obligations in relation to these
- ▶ These items include food, alcoholic beverages, and some consumer items



CONSUMER ITEMS

- ▶ Examples of consumer items that are exempt (as long as they are used in the manner and quantity that a consumer would use them) include:
 - ▶ Windex
 - ▶ White out
 - ▶ Toner



WHEN ARE CONSUMER ITEMS NOT EXEMPT ?

- ▶ A chemical product (e.g., Windex) used by the janitorial staff on a routine, frequent basis would not be exempt – in other words, it would be covered by the Right to Know Law
- ▶ Also, toner used in a copy room by copy staff would be covered
- ▶ However, the same chemical products used *occasionally* by office staff wouldn't be covered

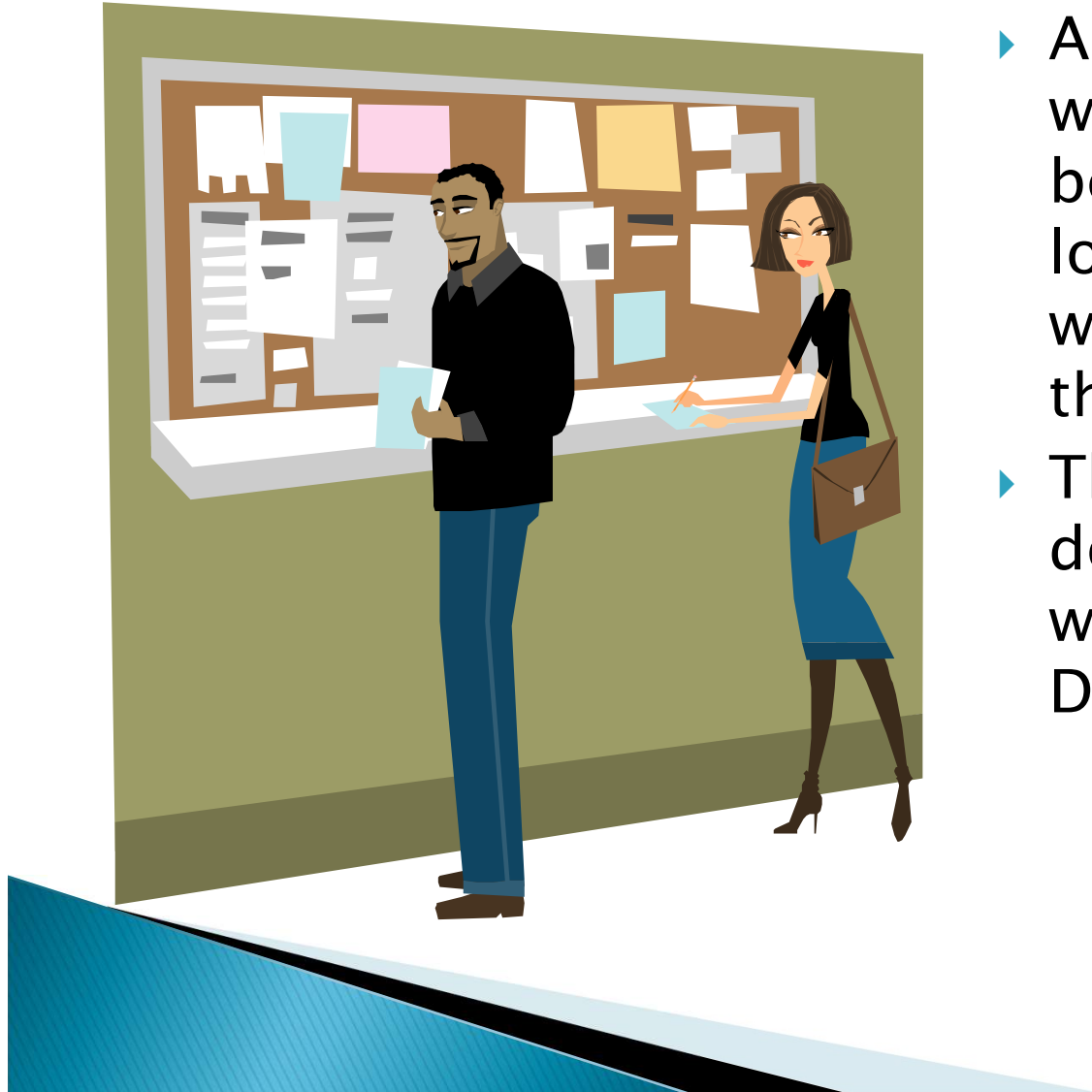


FOUR MAJOR PROVISIONS

- ▶ The Right to Know Law requires that employers provide employees who are or may be exposed to hazardous chemicals with:
 - ▶ Workplace poster
 - ▶ Access to material safety data sheets
 - ▶ Labeling on chemical containers
 - ▶ Training on these chemicals



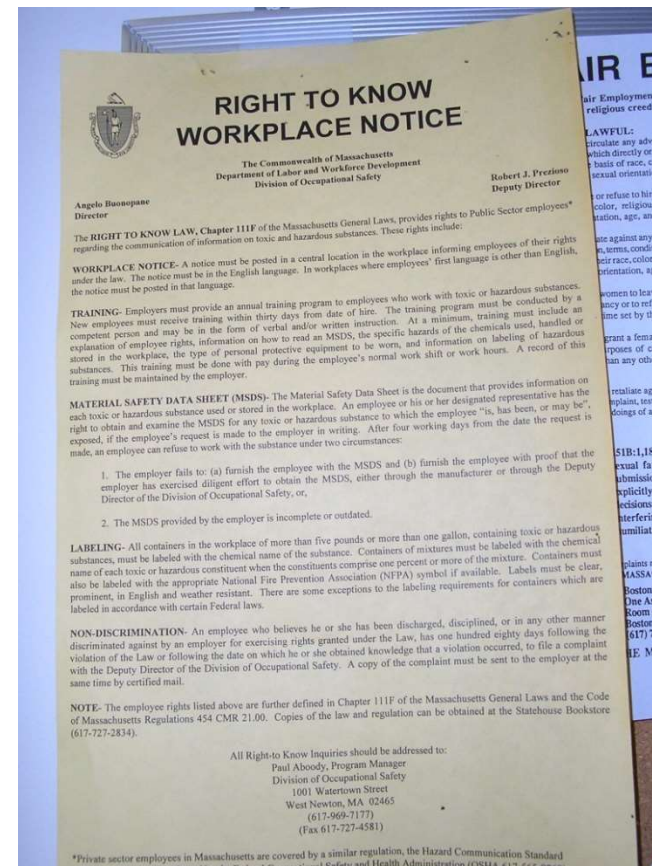
WORKPLACE NOTICE



- ▶ A Right to Know workplace notice must be posted in a central location at all workplaces covered by this law
- ▶ The notice can be downloaded off the DOS website or you can call DOS to request it

WORKPLACE NOTICE

- ▶ The notice must be in English
- ▶ In workplaces where employees' first language is other than English, the notice must be posted in the language.



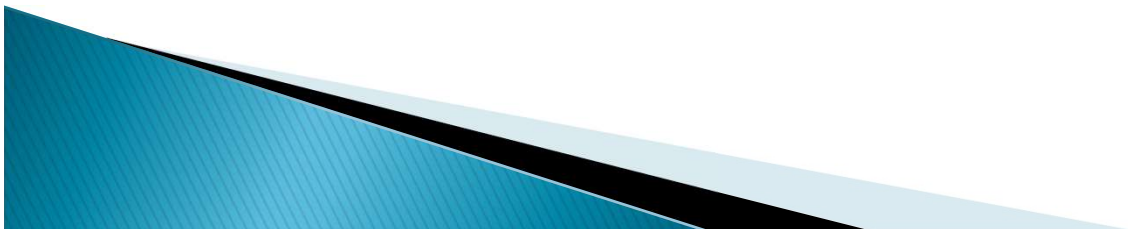
MATERIAL SAFETY DATA SHEETS

- ▶ A material safety data sheet (MSDS) is a document that provides information on:
- ▶ Chemical ingredients
- ▶ Hazards associated with the chemical(s)
- ▶ Protective equipment
- ▶ Safe work practices



MSDS (cont'd)

- ▶ MSDSs must also include information such as:
- ▶ The manufacturer's name & telephone number;
- ▶ Physical data such as flash point and fire and explosion hazards
- ▶ Health hazard information that includes: regulatory standards; effects of overexposure; emergency first aid procedures



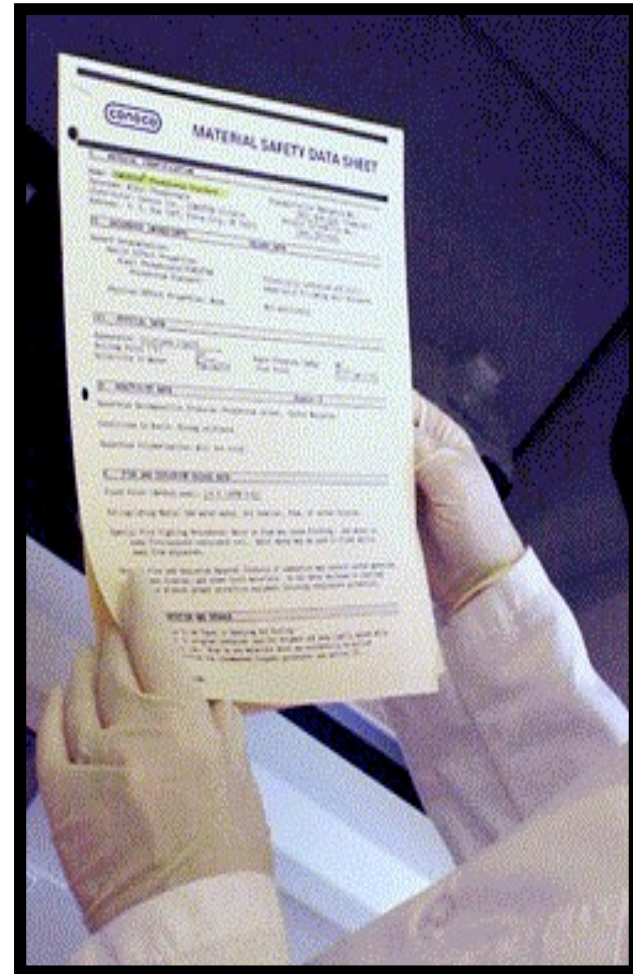
MSDSs (cont'd)



- ▶ The MSDS is developed by the product manufacturer
- ▶ If not received, it is the employer's responsibility to request one from the manufacturer

MSDSs (cont'd)

- ▶ MSDSs for identical or similar substances may vary from manufacturer to manufacturer.
- ▶ Some MSDSs contain accurate and detailed information while others may not



FILING OF MSDSs



- ▶ MSDSs should be filed in a central location so they are accessible to employees

REQUESTING AN MSDS

- ▶ Employees have the right to request a MSDS for any toxic or hazardous substance to which he or she is exposed
- ▶ Employers must make the MSDS available within four working days of a written request

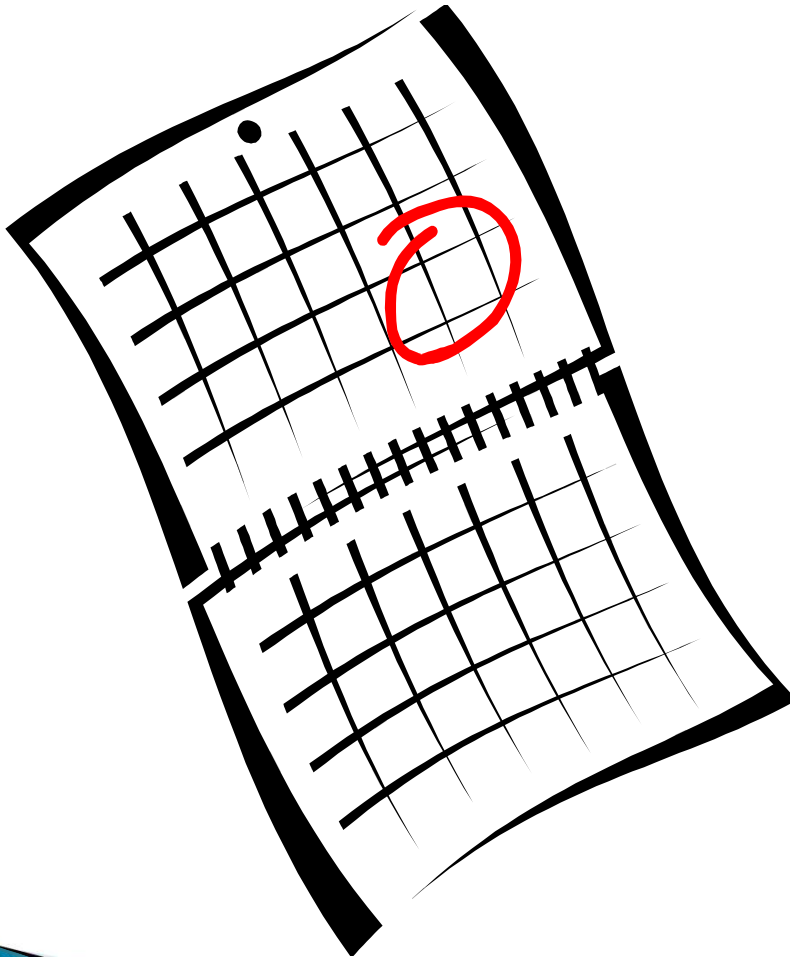


IF AN MSDS IS NOT AVAILABLE

- ▶ In some cases the employee has the right to refuse to work if the MSDS is not provided within four working days of a written request



MAINTAINING MSDSs



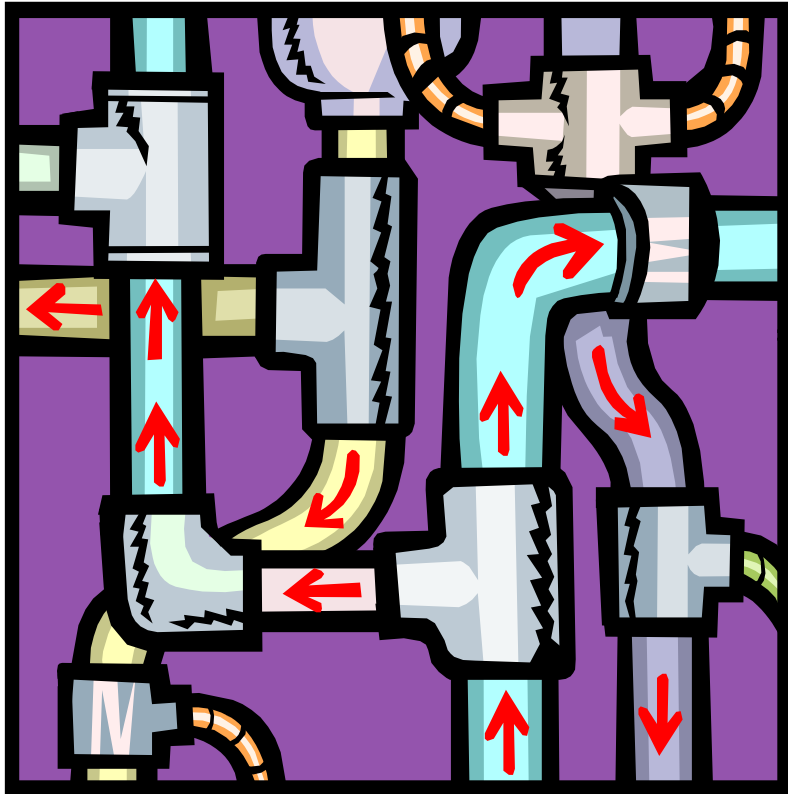
- ▶ MSDSs must be kept for a minimum of thirty years from the end of use of the chemical
- ▶ It is recommended that the MSDS be dated when use is discontinued and the MSDS be kept on file.

LABELING

- ▶ Substances subject to the Right to Know Law that are in containers of more than one gallon or more than five pounds must be labeled.



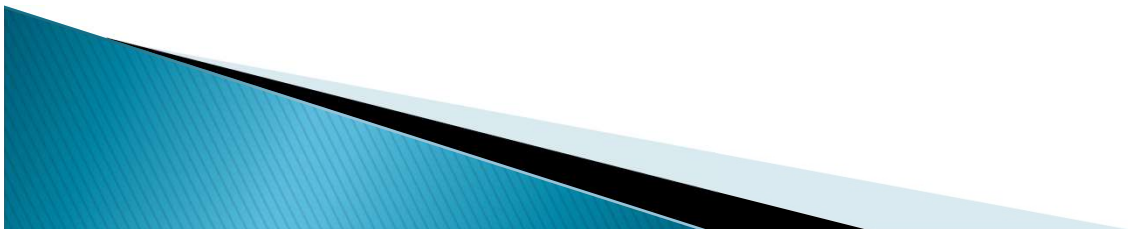
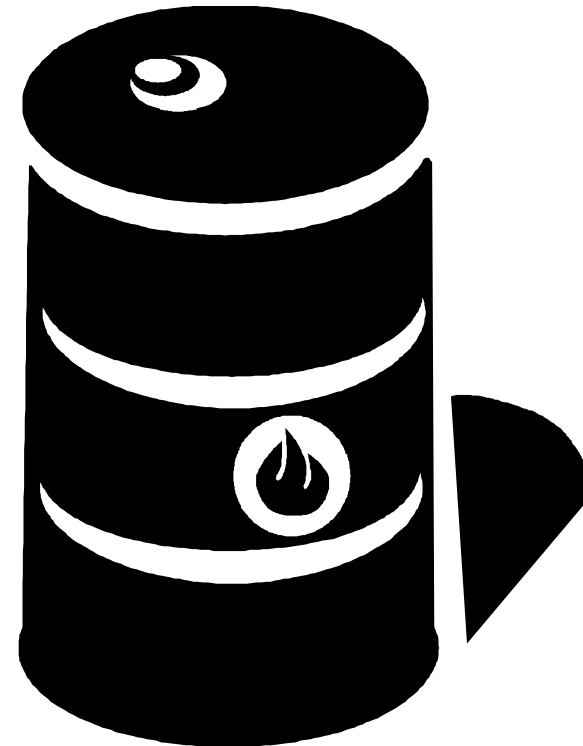
LABELING (CONT'D)



- ▶ Other containers that must be labeled include:
- ▶ Pipes
- ▶ Piping systems
- ▶ Vessels
- ▶ Fixed tanks

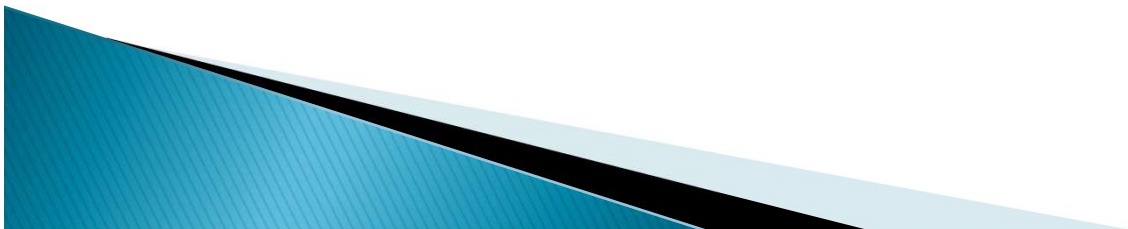
LABELING REQUIREMENTS

- ▶ Label must include the chemical name of each hazardous constituent if that constituent is present in the container in quantities greater than 1% (2% if an impurity)



LABELING: RTK VS. HAZARD COMMUNICATION

- ▶ Most chemical manufacturers, however, label in accordance with OSHA Hazard Communication, and not the Massachusetts Right to Know Law because:
 - Hazard Communication is in effect in all private (and some public) workplaces throughout the United States.
 - Massachusetts RTK only applies to public workplaces in Massachusetts.



ALTERNATIVE APPROACH: LABELING

- ▶ Therefore, according to DOS policy, containers labeled in accordance with the OSHA Hazard Communication Standard satisfy the labeling requirements



HAZARD COMMUNICATION: LABELING

- ▶ Under the Hazard Communication standard, a container must be labeled with:
- ▶ The name of the product as listed on the MSDS;
- ▶ The health hazard warnings (gives target organ health effects);
- ▶ The physical hazard warnings (such as flammability).

ACETONE

DANGER!
EXTREMELY FLAMMABLE. HARMFUL IF SWALLOWED OR INHALED. CAUSES IRRITATION.

Keep away from heat, sparks and flames. Avoid contact with eyes, skin and clothing. Avoid breathing vapor. Keep in tightly closed container. Use with adequate Ventilation. Wash thoroughly after handling.

PRECAUTIONARY STATEMENTS: Contact with skin has a defatting effect, causing drying and irritation. Overexposure to vapors may cause irritation to mucous membranes, dryness of mouth and throat, headache, nausea, and dizziness.

FIRST AID PROCEDURES: If inhaled, remove to fresh air. If not breathing, give artificial respiration. If breathing is difficult, give oxygen. In case of contact, flush eyes or skin with plenty of water for at least 15 minutes. Flush skin with water. If swallowed and victim is conscious, immediately induce vomiting.

Consult MSDS for further health and safety information. CAS NO [67-64-1]

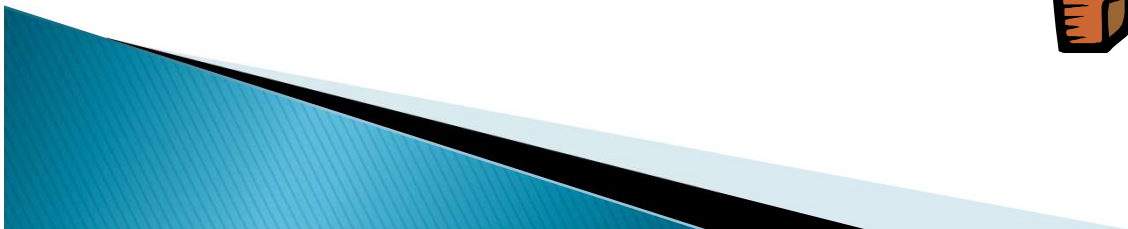
TRAINING

- ▶ Employees who are or may be exposed to hazardous chemicals must receive training.

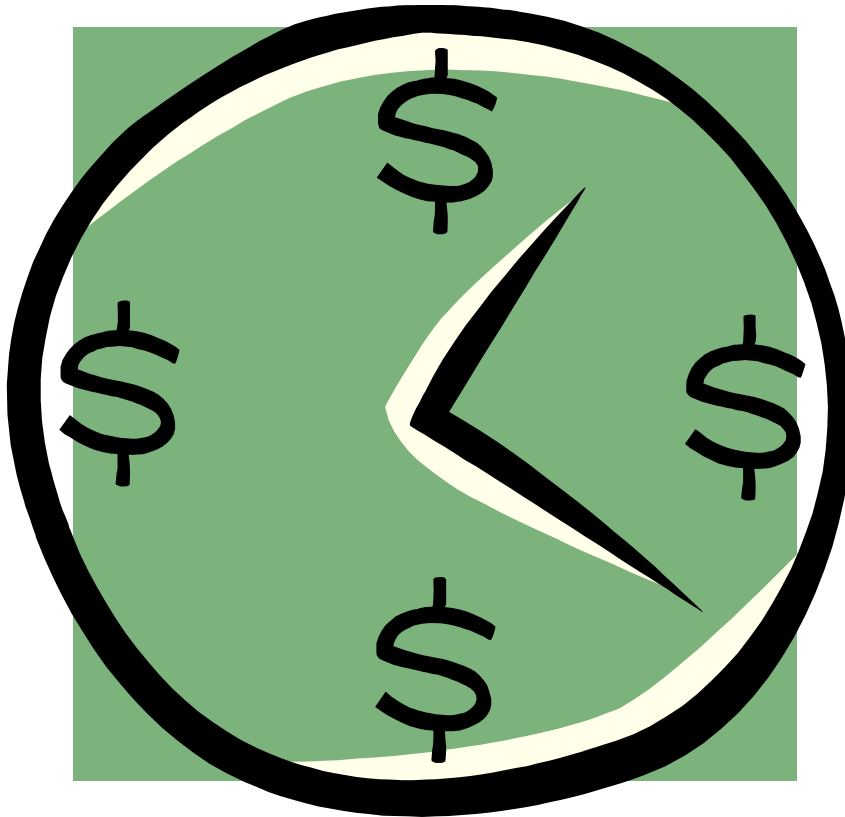


TRAINING REQUIREMENTS (cont'd)

- ▶ Training must be provided within thirty days of hire.
- ▶ Annual training is required.



TRAINING REQUIREMENTS (cont'd)



- ▶ Training must be done with pay
- ▶ Training must be done during the employees' normal work hours



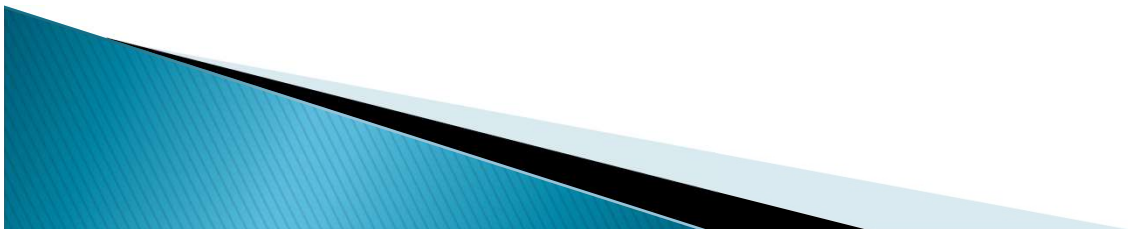
CONTENTS OF TRAINING

- ▶ Training must include the following:
- ▶ A summary of employees' rights under the law;
- ▶ Information on how to read an MSDS
- ▶ Information on the specific hazards of the chemicals used, handled or stored in the workplace;
- ▶ Safe work practices for preventing hazards



TRAINING RECORDS

- ▶ A record of training must be kept for the duration of employment. This includes:
- ▶ A description of the training;
- ▶ The date of the training;
- ▶ The names of both the instructor and employees



WHO MUST CONDUCT THE TRAINING?



- ▶ The training must be conducted by a competent person.
- ▶ If done by an outside instructor, he or she must be registered as a third party Right to Know instructor with the MA Division of Occupational Safety

NON-DISCRIMINATION

- ▶ An employee has the right not to be discriminated against for exercising his or her rights under the law
- ▶ An employee who believes he or she has been discharged, disciplined or discriminated against for exercising rights may (within 180 days) file a complaint with the Commissioner of the Division of Occupational Safety



COMPLAINT INVESTIGATION AND ENFORCEMENT

- ▶ Inquiries should be addressed to :
Program Manager
Massachusetts Division of Occupational Safety
1001 Watertown Street
West Newton, MA 02465
Tel.: 617-969-7177
Fax: 617-244-2705



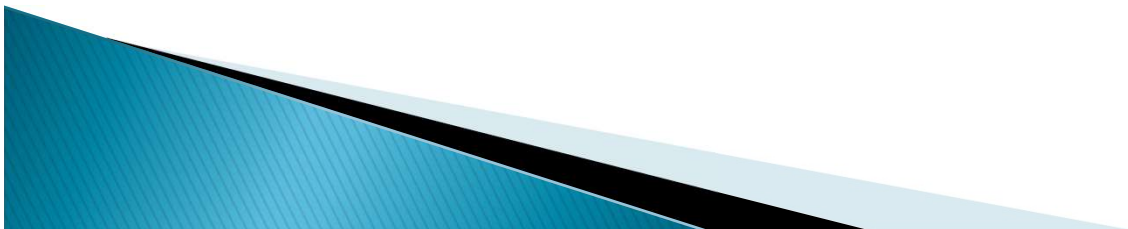
WHERE TO GET A COPY OF THE LAW

- ▶ Right to Know Package that contains:
Copy of the law and regulations; and
The Massachusetts Substance List
- ▶ Available through the statehouse bookstore
at 617-727-2834



HELPFUL DOCUMENTS

- ▶ Employer Assistance Manual:
reviews employers' responsibilities under the Law and provides steps to come into compliance
- ▶ Right to Know poster in English
- ▶ Understanding MSDSs:
A document that explains the terms on an MSDS
- ▶ List of third party Right to Know instructors currently registered with DOS



HELPFUL DOCUMENTS – where to get them

All of the documents (except Understanding MSDSs) are available at www.mass.gov/dos
These documents are also available by calling DOS at 617-969-7177 and asking for the Workplace Safety and Health Program.



RESOURCES (STATE)

- ▶ Massachusetts Division of Occupational Safety
Tel.: 617-969-7177
website: www.mass.gov/dos/
- ▶ Massachusetts Department of Public Health
Tel.: 617-624-6000
website: www.mass.gov/dph/
- ▶ Massachusetts Department of Environmental Protection
Tel.: 617-292-5500
website: www.mass.gov/dep/

