



HAZARD COMMUNICATION PROGRAM

Trophy Club Municipal Utility District No. 1

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November 2015

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Trophy Club Municipal Utility District No. 1's Hazard Communication Program was prepared using the Model Written Hazard Communication Program for Public Employers in Texas from the Texas Department of State Health Services, Division for Regulatory Services, Enforcement Unit.

I. General Information

- A. The Texas Hazard Communication Act (THCA), codified as Chapter 502 of the Texas Health and Safety Code (HSC), requires all public employers in Texas to provide their employees with information regarding hazardous chemicals to which employees may be exposed in their workplace. In order to comply with Section 502.009(b) of the THCA and Section 295.7(a) of the THCA Rules (Title 25 of the Texas Administrative Code (TAC), Section 295.1-295.12), the following written Hazard Communication Program has been established for Trophy Club Municipal Utility District No. 1 (“the District”).
- B. The master copy of the written hazard communication program will be maintained in the District Office at 100 Municipal Drive, Trophy Club, TX 76262. Copies of the written program will be modified as needed for each separate workplace where hazardous chemicals are used or stored and a copy maintained at each workplace. The written program will be available to all interested employees and their representatives upon request.
- C. To facilitate administration of and compliance with this Program, the following levels of responsibility have been established:
 - 1. The District Manager will have overall responsibility for administering and maintaining this program and ensuring that it meets all requirements of the THCA.
 - 2. The Utility Superintendent and Wastewater Superintendent will be responsible for maintaining a copy at each work site and providing annual training to all employees.
 - 3. Individual employees will be responsible for attending annual training and following all requirements of the policy.

II. Exemptions

- A. Per Section 502.004(f), the following chemicals are exempt from the requirements of the THCA and are outside the scope of this written program:
 - 1. Hazardous waste that is subject to regulation by the Texas Commission on Environmental Quality and/or the U.S. Environmental Protection Agency.
 - 2. A chemical 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. This employer complies with Section 502.006 and 502.009 of the THCA 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 formed to a specific shape or design during manufacture and that do not release or otherwise result in exposure to a hazardous chemical under normal conditions of use
 6. Food, drugs, cosmetics or alcoholic beverages
 7. Consumer products or hazardous substances 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 a consumer
 8. Radioactive waste

III. Definitions

- A. **“Appropriate Hazard Warning”** – Any words, pictures, symbols, or combination thereof appears on a label or other appropriate form of warning which convey the health and physical hazards, including the target organ effects, of the chemical(s) in the container(s).
- B. **“Categories of Hazardous Chemicals”** – A grouping of hazardous chemicals with similar properties.
- C. **“Container”** – Any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a hazardous chemical or contains multiple smaller containers of an identical hazardous chemical. The term “container” does not mean pipes or piping systems, nor does it mean engines, fuel tanks, or other operating systems in a vehicle. A **primary container** is one in which the hazardous chemical is received from the supplier. A **secondary container** is one to which the hazardous chemical is transferred after receipt from the supplier.

- D. **“Employee”** – A person who may be or may have been exposed to hazardous chemicals in the person’s workplace under normal operating conditions or foreseeable emergencies. Workers such as office workers or accountants who encounter hazardous chemicals only in non-routine, isolated instances are not employees for purposes of this Act.
- E. **“Expose”** – Subjecting an employee to a hazardous chemical in the course of employment through any route of entry, including inhalation, ingestion, skin contact, or absorption. The term includes potential, possible, or accidental exposure under normal conditions of use or in a reasonable foreseeable emergency.
- F. **“Hazardous Chemical” or “Chemical”** – An element, compound, or mixture of elements or compounds that is a physical hazard or health hazard.
- G. **“Health Hazard”** – A chemical for which acute or chronic health effects may occur in exposed employees and which is a toxic agent, irritant, corrosive, or sensitizer.
- H. **“Label”** – Any written, printed, or graphic material displayed on or affixed to containers of hazardous chemicals, and which includes the same name as on the material safety data sheet.
- I. **“Material Safety Data Sheet” (“MSDS”)** – A document containing chemical hazard and safe handling information that is prepared in accordance with the requirements of the federal Occupational Safety and Health Administration (OSHA) standard for that document. A current MSDS is one which contains the most recent significant hazard information for the hazardous chemicals as determined by the chemical’s manufacturer. An appropriate MSDS is one which conforms to the most current requirements set by OSHA standards.
- J. **“Physical Hazard”** – A chemical which is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive), or water-reactive.
- K. **“Personal Protective Equipment”** – Protective equipment provided to an employee by the employer which provides a level of protection to chemicals to which the employee may be exposed that will be adequate to ensure their health and safety based on current industry standards.
- L. **“Stationary Process Container”** – A tank, vat, or other such container which holds different hazardous chemicals at different times.
- M. **“Technically Qualified Individual”** – An individual with a professional education and background working in the research or medical fields, such as a physician or

registered nurse, or an individual holding a minimum of a bachelor's degree in a physical or natural science.

- N. **“Work Area”** – A room, defined space, utility structure, or emergency response site in a workplace where hazardous chemicals are present, produced, or used, and where employees are present.
- O. **“Workplace”** – A contiguous facility that is staffed 20 hours or more per week, unless such a facility is subdivided by the employer. Normally this subdivision would be a building, cluster of buildings or other structures, or a complex of buildings, but could be for a portion of a building if the employer chooses. Noncontiguous properties are always separate workplaces unless they are temporary workplaces, in which case they can be either work areas of a headquarters' workplace or separate workplaces, which is at the discretion of the employer.

IV. Workplace Chemical List (HSC Section 502.005 and 25 TAC Section 295.4)

- A. The District will develop and maintain a list of hazardous chemicals normally present in the workplace in excess of 55 gallons or 500 pounds. This Workplace Chemical List will be developed for each workplace where such quantities of hazardous chemicals are used or stored and will be available for review by employees and their designated representatives.
- B. The Utility Superintendent and Wastewater Superintendent will be responsible for reviewing and updating the Workplace Chemical List(s) for the Water Plant and Wastewater Treatment Plant as necessary, but at least by December 31 of each year. A copy of the list, including any updates, must be provided to the District manager by January 15th each year.
- C. The Workplace Chemical List will be maintained for at least 30 years.
- D. Further information on chemicals listed on the Workplace Chemical List can be obtained by referring to the Material Safety Data Sheet (MSDS) located in each workplace where these chemicals are used or stored.

V. Material Safety Data Sheets (HSC Section 502.006 and 25 TAC Section 295.5)

- A. The District will maintain a current and appropriate Material Safety Data Sheet (MSDS) for each hazardous chemical purchased.
- B. The Utility Superintendent and Wastewater Superintendent will be responsible for the MSDS system for the Water Plant and Wastewater Treatment Plant and will ensure that:

1. Incoming MSDSs are reviewed for new and significant health/safety information and that any new information is passed on to the affected employees.
2. Hazardous chemicals received without an MSDS are withheld from use until a current MSDS is obtained.
3. Missing MSDSs are requested from an appropriate source (e.g., chemical manufacturer, distributor, or electronic database) within 30 days from receipt of the hazardous chemical.
4. Affected employees are provided a description of any alternative system (such as electronic databases) being used in lieu of hard copy MSDSs.
5. Emergency responders are provided with MSDSs as soon as practical upon request.

C. MSDS files for the District will be kept in the District office, at the water plant, and at the wastewater treatment plant in an easily accessible and appropriately marked location.

D. MSDSs will be readily available for review by employees or their designated representatives upon request.

VI. Chemical Container Labels (HSC Section 502.007 and 25 TAC Section 295.6)

- A. All containers of hazardous chemicals used or stored by the District will be appropriately labeled.
- B. The Utility Superintendent and Wastewater Superintendent will be responsible for the hazardous chemical labeling system and will verify that:
 1. All **primary containers** of hazardous chemicals are clearly labeled to include:
 - a. The identity of the chemical as it appears on the MSDS
 - b. The appropriate hazard warnings
 - c. The name and address of the manufacturer
 2. All **secondary containers** of hazardous chemicals are clearly labeled to include:
 - a. The identity of the chemical as it appears on the MSDS

- b. The appropriate hazard warnings
- 3. A description of alternative labeling systems, if used, is provided to employees. Examples of alternative labeling systems are the National Fire Protection Association (NFPA) 704m Standard and the Hazardous Materials Information Systems (HMIS) Standard.
- C. The District will rely on the chemical manufacturers or distributors to provide labels which meet the above requirements for primary containers of all hazardous chemicals purchased, and will re-label containers only when the label is illegible or otherwise does not meet the above requirements.

VII. Employee Training Program (HSC Section 502.009 and 25 TAC Section 295.7)

- A. The District will provide an education and training program to all employees who routinely use or handle hazardous chemicals in their workplace.
- B. The Utility Superintendent and Wastewater Superintendent will be responsible for the employee training program and will ensure that:
 - 1. Appropriate training is provided to all covered employees and includes:
 - a. The use of information provided on MSDSs and chemical container labels and the location that MSDSs will be maintained
 - b. The location of hazardous chemicals present in the employees' work areas
 - c. The physical and health effects of exposure
 - d. Proper use of personal protective equipment
 - e. Safe handling of hazardous chemicals
 - f. First aid treatment for exposure to hazardous chemicals
 - g. Safety instruction on clean-up and disposal of hazardous chemicals
 - 2. Required training records are maintained and include:
 - a. The date of the training session
 - b. A legible list of all employees attending the training session
 - c. The subjects covered

- d. The name of the instructors
 3. All covered employees are identified and incorporated into the training program.
 4. Employees are provided information concerning the hazardous chemicals to which they may be exposed during the performance of non-routine tasks.
 5. New employees are trained prior to their being required to use or handle a hazardous chemical.
 6. The need and frequency for periodic/refresher training is assessed.
- C. Employees subject to these training requirements will sign an attendance roster for each training session attended, verifying that they received and understood the information.

VIII. Reporting Employee Deaths and Injuries (HSC Section 502.012 and 25 TAC Section 295.9)

- A. The District will notify the Texas Department of State Health Services, Division for Regulatory Services, Enforcement Unit, of any employee accident that involves a hazardous chemical exposure or asphyxiation, and that is fatal to one or more employees or results in hospitalization of five or more employees.
- B. The District will be responsible for reporting all such accidents to the Texas Department of State Health Services, Division for Regulatory Services, Enforcement Unit, within 48 hours after their occurrence. Notifications will be made either orally or in writing to:

Texas Department of State Health Services
Division for Regulatory Services, Enforcement Unit
P.O. Box 149347
Austin, TX 78714-9347
Phone: 512-834-6665
Fax: 512-834-6606

- C. Employees will be responsible for reporting all accidents involving a hazardous chemical to their supervisor.
- D. Supervisors will be responsible for reporting all accidents involving a hazardous chemical to the District Manager.

IX. Posting the Notice to Employees (HSC Section 502.0017 and 25 TAC Section 295.12)

- A. The District will post and maintain in all workplaces where hazardous chemicals are used or stored the most current version of the TDH Notice to Employees, informing employees of their rights under the THCA. (See Attachment D, Notice to Employees)
- B. The Notice to Employees shall be clearly posted and unobstructed at all locations in the workplace where notices are normally posted, and with at least one location in each workplace.
- C. In workplaces where employees that have difficulty reading or understanding English may be present, a copy of the Notice, printed in Spanish, will be posted together with the English version of the Notice. (See Attachment E, Notice to Employees, Spanish version)
- D. Additional copies of the Notice, in both English and Spanish, are available on the chemical right-to-know website at <http://www.dshs.state.tx.us/tiertwo/publications.shtm> or on request from the Enforcement Unit at the address or telephone number listed in Section VIII B of this written program.

X. Personal Protective Equipment (HSC Section 502.017 and 25 TAC Section 295.12)

- A. The District will provide appropriate personal protective equipment (PPE) to all employees who use or handle hazardous chemicals.
- B. The District Manager will assume overall responsibility for the PPE program and will ensure that appropriate equipment and training are provided, to include:
 - 1. Proper selection of PPD based on:
 - a. Routes of entry
 - b. Permeability of PPE material
 - c. Duties being performed by the employee
 - d. Hazardous chemicals present
 - 2. Proper fit and functionality of PPE as described by the manufacturer's specifications.
 - 3. Appropriate maintenance and storage of PPE.

XI. Maintaining Employee Rights (HSC Section 502.017 and 25 TAC Section 295.12)

- A. The District shall not discipline, harass, or discriminate against any employee for filing complaints, assisting inspectors of the Texas Department of State Health Services, participating in proceedings related to the Texas Hazard Communication Act, or exercising any rights under the Act.
- B. Employees cannot waive their rights under the Texas Hazard Communication Act. A request or requirement for such a waiver by an employer is a violation of the Act.

XII. Attachments

- A. Workplace Chemical List
- B. Employee Training Roster
- C. Employee Training Sheet
- D. Notice to Employees (English version)
- E. Notice to Employees (Spanish version)

Attachment B

Employee Training Roster, continued

A. Per Sections 502.009 (c) and (g) of the Texas Hazard Communications Act (THCA), the following subject(s) were covered in this training:

- Reading and interpreting chemical container labels
- Reading and interpreting alternative labeling systems, if such labeling systems are being used by the employer
- Reading and interpreting Material Safety Data Sheets (MSDSs)
- Location of hazardous chemicals in the workplace
- Physical and health effects of exposure
- Proper use of personal protective equipment
- First aid treatment for exposure
- Safety instruction on handling, cleanup and disposal procedures

B. Per Section 502.009 (g) of the THCA, training was conducted based on:

- Categories of hazardous chemicals
- Individual hazardous chemicals

C. This hazard communication training was provided as:

- Initial training per Section 502.009(a) and (f) of the THCA
- Periodic/refresher training per Section VII (B) (6) of this policy

Attachment C

Employee Training Sheet
Texas Hazard Communication Act, Section 502.009(g)

Department/Work Area: _____

Instructor Name: _____

Date: _____

A. Per Sections 502.009 (c) and (g) of the Texas Hazard Communications Act (THCA), the following subject(s) were covered in this training:

- Reading and interpreting chemical container labels
- Reading and interpreting alternative labeling systems, if such labeling systems are being used by the employer
- Reading and interpreting Material Safety Data Sheets (MSDSs)
- Location of hazardous chemicals in the workplace
- Physical and health effects of exposure
- Proper use of personal protective equipment
- First aid treatment for exposure
- Safety instruction on handling, cleanup and disposal procedures

B. Per Section 502.009 (g) of the THCA, training was conducted based on:

- Categories of hazardous chemicals
- Individual hazardous chemicals

C. This hazard communication training was provided as:

- Initial training per Section 502.009(a) and (f) of the THCA
- Periodic/refresher training per Section VII (B) (6) of this policy

Employee Name (print) _____ **Date** _____

Employee Signature _____ **Instructor Signature** _____