

**Grand Rapids
Community College
RIGHT TO KNOW PROGRAM**



GRAND RAPIDS COMMUNITY COLLEGE RIGHT TO KNOW PROGRAM

The program has been developed to meet the requirements of the Federal Hazard Communication Standard and the State of Michigan Right-to-Know Law, Act. No. 154 of the Public Acts of 1974 as amended and Act No. 368 of the Public Acts of 1978 as amended.

In order to ensure that all employees of Grand Rapids Community College are made aware of any hazard from chemical use in their work environment, Grand Rapids Community College, hereby implements this written program.

A copy of this written program shall be kept indefinitely on **file in the Purchasing Department** of Grand Rapids Community College, 180 N. Division, Room 301, Grand Rapids, Michigan, where it shall be made available to any employee who desires to access it.

The responsibility for coordinating the implementation of the program and for maintaining the subparts of the program shall be that of the Director of Purchasing.

This program shall be updated annually by March 1st when the requirements of the Federal Hazard Communication Standard or the Right-to-Know Law of Michigan are amended.

The following are the various subparts of its program:

- **Sample List of Hazardous Substances found in an office setting.**
- **Assignment of Responsibilities**
- **Material Safety Data Sheets**
- **Labels and Labeling**
- **Notification of Contractors**
- **Employee Training and Information**
- **Disposal of Hazardous Chemicals**
- **GRCC MSDS Contact List with names and telephone numbers**
- **Hazardous Materials Inventory Standard Operating Procedure**
- **Appendices**
 - **Sample MSDS**
 - **Checklist of Required Information for MSDS**
 - **Hazardous Materials List**
 - **Sample Poster identifying who is responsible for and location of MSDS**
 - **Sample Poster notifying employees of new or revised MSDS**
 - **Notification letter to contractors**
 - **Copy of Michigan Occupational Safety and Health Law**

Revised 05/08/03

LIST OF HAZARDOUS SUBSTANCES

Grand Rapids Community College will be relying on **Material Safety Data Sheets (MSDS)** supplied from hazardous substance suppliers to meet hazard determination requirements. Required information for these sheets and the standard format for the MSDS are contained in Appendices I and II.

The following SAMPLE list of supply items housed in the various buildings present certain hazards to employees. Further information on the hazards of each substance may be obtained by reviewing Material Safety Data Sheets in the Purchasing Department, 180 N. Division, Room 301.

Sample Supply Items List

- Glass Cleaner
- Liquid Paper Correction Fluid
- Rubber Cement
- Denatured Alcohol
- Paint Thinner
- Germicidal Cleanser
- Duplicator Fluid
- Copy Toner
- Copy Developer

The OSHA Base List of Hazardous Substances, shown in Appendix III, will be used as an aid to identify potential hazardous substances that may be used in the facilities of Grand Rapids Community College.

NOTE: Consumer products are exempt as long as their manufactured intended use has not been changed.

ASSIGNMENT OF RESPONSIBILITIES

RESPONSIBILITY TO LABEL

1. Responsibility for obtaining and distributing hazard warning labels is assigned to the Director of Purchasing.
2. Responsibility for the accurate and complete labeling of all containers received on campus, except in the printing and food service is assigned to the Shipping and Receiving Department Staff, 151 Fountain, NE, Grand Rapids, Michigan.
3. Responsibility for the accurate and complete labeling of all secondary containers or containers received at each building/department is assigned to the Building Manager and/or Department Head.
4. Responsibility for the accurate and complete labeling of stationery press containers and piping systems is assigned to the Director of Facilities.

5. Responsibility for the accurate and complete labeling of all containers existing and received in the Printing Services department is assigned to the responsibility of the Director of Printing & Graphics Services.
6. Responsibility for the accurate and complete labeling of all containers existing and received in Food Service is assigned to the responsibility of the Director of Food Service for Creative Dining.
7. Department heads are responsible for the inventory of chemicals in their respective areas. An inventory will be conducted by October 15, on an annual basis.

RESPONSIBILITY TO INFORM

1. Responsibility to inform employees about hazards and non-routine maintenance and custodial tasks in all buildings, is assigned to the Director of Facilities and/or Building Manager.
2. Responsibility to inform employees about hazards and non-routine maintenance and custodial tasks in the Printing Services Department, is assigned to the Director of Printing & Graphics Services.
3. Responsibility to inform employees about hazards and non-routine tasks in the Cafeteria is assigned to the Director of Food Service for Creative Dining.
4. Responsibility to inform all outside contractors for renovation and construction about chemical hazards in the building(s) where the services are to be performed is assigned to the Director of Purchasing and/or Director of Facilities Management.
5. Responsibility to inform and train newly hired administrative, support staff and teaching staff employees of chemical hazards present in the environment of their workplace is assigned to the responsibility of the Coordinator of Professional Development in The Raider Learning Center.

MATERIAL SAFETY DATA SHEET (MSDS)

GENERAL SUPPLIES

1. The Director of Purchasing will be responsible for compiling and maintaining the master MSDS file. A hard copy MSDS file will be kept in the Purchasing Department, College Park Plaza, Room 301. An additional hard copy MSDS file will be maintained by Campus Police.
2. MSDS(s) will be available for review to all employees during each work shift via the Internet – Faculty and Staff – MSDS.

3. The Director of Purchasing shall make requests for MSDS(s) on all purchase orders. Purchase orders will be stamped with the following disclaimer: MSDS are requested with shipment or shipment will be refused.
4. All documents requesting MSDS will be maintained in the master file located in the Purchasing Department, 180 N. Division, College Park Plaza, Rooms 303 or 306.
5. The Purchasing Director will provide Building Managers with the required MIOSHA Right-to-Know Poster and postings notifying employees of new or revised MSDS(s). The poster shown in Appendix IV will be used to notify employees who the responsible person is in the building and where the MSDS(s) are located in that particular building. The poster shown in Appendix V will be used to notify employees of new or revised MSDS(s).

DEPARTMENT SUPPLIES

1. Managers or Supervisors of office departments will be responsible for maintaining electronic files.
2. MSDS(s) will be available for review to all employees.
3. The Managers or Supervisors will be responsible for labeling any hazardous material that now exists and properly disposing of any material that CANNOT be identified.

LABELS AND LABELING

GENERAL SUPPLIES

1. The Shipping and Receiving Staff, 151 Fountain, NE will be responsible for seeing that all containers coming on campus are properly labeled before accepting shipment.
2. All incoming labels shall be checked for the following:
 - A. Identity
 - B. Hazard Warning
 - C. Name and address of responsible party
 - D. Personal protection measures
3. The Custodial Staff shall be responsible for labeling portable containers filled from bulk storage transferred to other building sites.
4. Employees shall be responsible for seeing that all portable containers in their work areas are properly labeled with identity and hazard warning labels.
5. All hazardous materials in the storage areas will be confined to a specific area with warning signs posted in the area.

NOTIFICATION OF CONTRACTORS

1. All contractors providing services to the Grand Rapids Community College shall be notified in writing by the Director of Purchasing of any hazardous substances to which their workmen may be exposed while providing service in any of the college facilities.
2. Notification shall be made by letter, either attached to the purchase order for a service on a bid basis or by letter alone where the contractor has provided and will likely continue to provide its services on a regular on-call basis. Attached to the letter shall be a copy of all MSDS(s) contained in the master file.
3. Letters to active contractors shall be updated each time the MSDS file is updated.
4. A sample letter and a copy of all notification letters to contractors may be found in Appendix VI.

EMPLOYEE TRAINING AND INFORMATION

The Raider Learning Center is responsible for overseeing the Hazard Communication Program employee training. The Coordinator of Professional Development in the Raider Learning Center will ensure that all elements specified below are carried out.

A. Employee Training Sessions

1. Employees who are exposed to hazardous chemicals in the normal course of employment or who are likely to be exposed to hazardous chemicals in the event of an emergency will be required to attend a Right-To-Know Employee Training Session. These training sessions will include information on the following:
 - An overview of the requirements contained in the Hazard Communication Standard (Employee Right-To-Know Law).
 - Physical and Health effects of the hazardous chemicals.
 - Methods and observation techniques used to determine the presence or release of hazardous chemicals in the work area.
 - How to lessen or prevent exposure to these hazardous chemicals – through usage of control/work practices, personal protective equipment and good personal hygiene practices.

- Emergency procedures to follow if employees are exposed to these chemicals or if there is a chemical spill.
 - How to read labels and review (MSDS(s)) to obtain appropriate hazard information.
 - Location of MSDS file and location of hazardous chemical list.
 - Department training shall cover the following items:
 - Chemicals present in the work place operations.
 - Location and availability of the Grand Rapids Community College written Hazard Communication Program.
 - Steps Grand Rapids Community College has taken to lessen or prevent exposure to these chemicals.
2. Employees of the Grand Rapids Community College who may be exposed to hazardous chemicals in the normal course of employment or who are likely to be exposed to hazardous chemicals in the event of an emergency are considered to be employees in the following classifications:
- Custodians, groundskeepers and substitutes.
 - Maintenance skilled trades, carpenters, plumbers, electricians, etc.
 - Shipping/Receiving area employees.
 - Food Service and Hospitality Education employees.
 - Printing Service employees.
 - College administrators (Facilities, Printing, Food Service)
 - Instructional and classroom support staff in the areas of Physical Science, Biological Sciences, Visual Arts, Health, Auto Mechanics, Manufacturing Applied Technology, and Construction Technology.
3. Timelines for training sessions: All new fulltime employees will be trained as scheduled by the Raider Learning Center. Individual departments will train their employees when new chemicals are introduced into the work situation.
4. Verification of Training:

All employees in the classifications listed in #2 will be required to attend training. Upon completion of any training session, employees will complete a form

verifying that they attended the training, received the Hazard Communication Program written materials and understood the Community College's policy and program on Hazard Communication. These signed verifications will be kept on file in the Raider Learning Center.

5. New employees listed in #2 or current employees transferring into any of the classifications will receive training in the Hazard Communication Program within 10 working days of their first day of employment/transfer.

- a. Employee Information

- 1) All employees not specified in Section A, #2 will receive written information regarding the Hazard Communication Program of Grand Rapids Community College, and will be provided an opportunity to view a video that gives an overview of the requirements contained in the Right-To-Know Law. Included in this written information will be the following requirements:
 - a. Hazard Communication Standard requirements.
 - b. Location and details of the written Hazard Communication Program.
 - c. Location of inventory of chemicals present in the workplace.
 - d. Description of labeling system for containers and piping systems.
 - e. Descriptions of MSDS(s).
 - f. Procedures for posting location of MSDS, including new and updated MSDS(s).
 - g. Discussion of training and information efforts.

DISPOSAL OF HAZARDOUS CHEMICALS

1. Contact Grand Rapids Community College Facilities Department at 234-3980 to arrange for disposal of any chemical.
2. All hazardous chemicals shall be inventoried, identified by label, and placed in a secured area until Facilities Department pick-up.
3. Grand Rapids Community College Facilities Department will maintain records of all disposed hazardous materials for the period of two lifetimes plus 50 years.
4. Grand Rapids Community College Facilities Department will contract with a reputable and certified company to dispose of hazardous materials properly.

HAZARDOUS MATERIALS INVENTORY STANDARD OPERATING PROCEDURE

1. Each department head is responsible for the inventory of chemicals in their respective areas. An inventory will be conducted on an annual basis. All inventories will be completed by October 15 annually. The Risk Management Specialist will conduct periodic checks for MSDS updates.
2. Inventories will be completed on the worksheets provided by Purchasing. See Appendix VII for a sample inventory form. Inventories will be listed by product name, manufacturer and/or distributor name, catalog or specification #, and brief description of the product. Inventory sheets will be sent to departments by September 1st annually, of each year.
3. Material Safety Data Sheets must be accessible through the GRCC Webpage in each department for each hazardous material listed. To obtain a MSDS, call the manufacturer and/or distributor directly. Once obtained forward the MSDS to the Director of Purchasing for posting on the GRCC Webpage and updating of hard copy file.
4. Each department head is responsible for labeling those products, which are not adequately labeled, or have been transferred to “generic” containers. Labels can be purchased through the regular purchasing process.
5. Departments that do not comply by October 15 of each year will be sent a notice/reminder by the Purchasing Department by October 30th of each year. Failure to comply after the reminder will result in the Executive Budget Control Officer being notified to take appropriate action.
6. All incoming shipments of hazardous chemicals will be checked in by the Shipping and Receiving Department for a Material Safety Data Sheets. If an MSDS does not accompany a shipment and one cannot be located in the system, staff will reject the shipment.

**MSDS CAN BE OBTAINED BY CONTACTING
STAFF PERSONS LISTED BELOW**

| NAME | DEPT/BLDG | PHONE |
|-----------------|---|----------|
| ANTONKIS, NICK | VISUAL ARTS | 234-4185 |
| ARMIJO, CHRIS | SHIPPING & RECEIVING | 234-3767 |
| BABCOCK, DAN | LYON STREET FACILITIES | 234-3953 |
| BENSON, JANEANN | PRESCHOOL AREA | 234-3970 |
| BRAMBLE, LINDA | PHYSICAL SCIENCE/CHEMISTRY | 234-4297 |
| BURNS, PEG | HEALTH & SAFETY | 234-4017 |
| COLVIN, JAN | BIOLOGICAL SCIENCES | 234-4264 |
| DANNER, JEFF | TECHNOLOGY/ATC | 234-3655 |
| EMELANDER, DAVE | ATC/OPERATIONS | 234-3760 |
| HOXIE, TINA | STUDENT CENTER | 234-3925 |
| KENNEL, CINDY | CAMPUS POLICE/MAIN | 234-4010 |
| LACY, BOB | MAIN/NORTH OPERATIONS | 234-3952 |
| LOCKWOOD, BRUCE | MEDIA SERVICE/LRC | 234-3832 |
| MILITO, JOE | MAINTENANCE | 234-4118 |
| MILLER, DOUG | PRINTING SERVICE/MAIN | 234-3960 |
| PETERSON, CINDY | SPECTRUM-CPPB | 234-3523 |
| ROWE, MIKE | FORD FIELDHOUSE/CALKINS SCIENCE CENTER OPERATIONS | 234-3958 |
| SCRIBNER, DAN | BOSTWICK RAMP/STUDENT CTR/ MUSIC BUILDING OPERATIONS | 234-3955 |
| SHARKEY, JAY | CAFETERIA | 234-4167 |
| SMIDT, MARILYN | ASST. DEAN-MATH, HEALTH, WELLNESS | 234-4340 |
| SMITH, TOM | FACILITIES/MAINTENANCE | 234-3951 |

| | | |
|------------------|-----------------|----------|
| VANDERVEEN, RICK | FORD FIELDHOUSE | 234-4261 |
| WAITE, GEORGE | TASSELL-M-TEC | 234-3818 |

APPENDIX II

CHECKLIST OF REQUIRED INFORMATION MATERIAL SAFETY DATA SHEETS

The Hazard Communication Standard requires that thirteen items of information be included in Material Safety Data Sheets provided to purchasers. There is no specified order for these items; they may be found anywhere on the MSDS. If the preparer of the MSDS has found no relevant information for any given item, he/she must mark the MSDS to indicate that no applicable information was found.

This checklist will help you in determining the completeness of a MSDS. It does not assess the accuracy of the information provide.

Check Box

1. The identity used on the (container) label*
2. Chemical and common names – may be the same as the label identity*
3. The physical and chemical characteristics of the substance (e.g., flash point, odor, U.E.L.)
4. Physical hazards (e.g., combustible, water – reactive)
5. Health hazards (e.g., toxic, carcinogenic, corrosive) also include signs, symptom of exposure and medical conditions aggravated by exposure.
6. Primary route(s) of entry (e.g., inhalation)
7. Air exposure limits (P.E.L. or T.L.V.)
8. Carcinogenicity
9. Precautions for safe handling and use (e.g., hygienic practices, cleaning up spills)
10. Control measures (e.g., engineering controls, personal protective equipment)
11. Emergency and first-aid procedures
12. Date of preparation of MSDS
13. Name/address/phone number of MSDS preparer or distributor

***THE IDENTITY USED ON THE LABEL MAY BE THE SAME AS A CHEMICAL OR COMMON NAME**

CHEMICAL_____

CHECKED BY_____

DATE OF MSDS_____

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APPENDIX III

HAZARDOUS MATERIALS

Typical materials commonly found in College buildings. This list is not meant to include all materials found on campus, but is intended as a guideline for identification of materials during the inventory survey.

Science Rooms

- Formaldehyde
- Acids
- Chemicals in special storage containers

Print Shop

- Inks
- Thinning solvents
- Cleaning solvents

Auto Shop/Garage

- Welding gas tanks
- Cleaning solvents
- Coolants
- Batteries
- Paints
- Thinners

Metal Shop

- Brazing rod
- Stainless or galvanized steel material
- Cleaning solvent
- Welding gas tanks
- Paints
- Solder

Art rooms

- Paints
- Powdered inks/pigments
- Ceramic glazes

Pipes

- Oxygen
- Natural gas
- Kiln/furnace gases
- Pressurized air (>40 psig)

Wood Shop

Varnishes

Paints

Solvents

Boiler Room

Boiler additives (fungicides, etc.)

Drain Cleaners

Solder and flux

Anti-corrosives

Custodial

All cleaners

Bleaches

Drain Cleaners



143 Bostwick Avenue NE
Grand Rapids, MI 49503-3295
Purchasing Department
PH: 616-234-3850 FAX: 616 234-3855

May 7, 2003

GRCC Contractor/Custodian
123 Main St.
Any City, USA

RE: Hazard Communication Notification Letter to Contractors and Janitorial Services

Dear Contractor/Janitor:

This letter is to inform you of hazardous chemical presence at Grand Rapids Community College, to which your employees may have potential exposure. This notification letter is being sent to you as requirement of OSHA's Hazard Communication Standard.

As the GRCC Right to Know Manager, I will discuss the requirements of the standard with you. I am available to discuss this with you during normal business hours of 8am to 5pm, Monday through Friday. Grand Rapids Community College is providing you with the following information:

- 1) A listing of hazardous chemicals in your work area at GRCC.
- 2) Precautions that reduce the possibility of exposure to these chemicals.

Please contact our Right to Know Manager for the following information prior to beginning any work at Grand Rapids Community College:

- 1) Discussion of GRCC's safety policy
- 2) Location of our Right To Know Program Manual
- 3) Location of Material Safety Data Sheets.

We at Grand Rapids Community College appreciate your cooperation in this matter and your attentiveness to safety!

With Respect to Safety and Health,

A handwritten signature in black ink that reads "Mansfield W. Matthewson".

Mansfield W. Matthewson
Director of Purchasing/Right to Know Manager
Grand Rapids Community College
MWM/mwm

APPENDIX VII

Act No. 80
Public Acts of 1986
Effective April 7, 1986

“An act to prescribe and regulate working conditions; to prescribe the duties of employers and employees as to places and conditions of employment; to create certain boards, commissions, committees, and divisions relative to occupational and construction health and safety; to prescribe their powers and duties and powers and duties of the department of labor and department of public health; to prescribe certain powers and duties of the directors of the departments of labor, public health, and agriculture; to impose an annual levy to provide revenue for the safety education and training division; to provide remedies and penalties; to repeal certain acts and parts of acts,” section 11 as amended by Act No. 51 of the Public Acts of 1980, being sections 408.1005, 408.1011, 408.1031, and 408.1063 of the Michigan Compiled Laws, are amended and sections 14a, 14b, 14c, 14d, 14e, 14f, 14g, 14h, 14i, 14j, 14k, 14l, and 14m

The People of the State of Michigan enact:

Sec. 1. The title and sections 5, 11, 31, and 63 of Act No. 154 of the Public Acts of 1974, section 11 as amended by Act No. 51 of the Public Acts of 1980, being sections 408.1005, 408.1011, 408.1031, and 408.1063 of the Michigan Compiled Laws, are amended and sections 14a, 14b, 14c, 14d, 14e, 14f, 14g, 14h, 14i, 14j, 14k, 14l, and 14m are added to read as follows:

TITLE

An act to prescribe and regulate working conditions; to prescribe the duties of employers and employees as to places and conditions of employment; to create certain boards, commissions, committees, and divisions relative to occupational and construction health and safety; to prescribe their powers and duties and powers and duties of the department of labor and department of public health; to prescribe certain powers and duties of the directors of the departments of labor, public health, and agriculture; to impose an annual levy to provide revenue for the safety education and training division; to provide remedies and penalties; to repeal certain acts and parts of acts.

Sec. 5. (1) “Employee” means a person permitted to work by an employer.

(2) “Employer” means an individual or organization, including the state or a political subdivision, which employs 1 or more persons.

(3) “Imminent danger” means a condition or practice in a place of employment which is such that a danger exists which could reasonably be expected to cause death or serious physical harm either immediately or before the imminence of the danger can be eliminated through the enforcement procedures otherwise provided. A container of an unknown and unlabeled chemical or a container of hazardous chemicals that is not labeled or for which a material safety data sheet is not available as required by the standard incorporated by reference in section 14a shall be considered an imminent danger after meeting the provisions of section 31.

(4) “Inspection” means the examination or survey of a place of employment to detect the presence of an existing or potential occupational safety or health hazard or to determine compliance with this act, rules or standards promulgated, or orders issued pursuant to this act.

(5) “Investigation” means the detailed evaluation or study of working conditions, including equipment, processes, substances, air contaminants, or physical agents with respect to the actual or potential occurrence of occupational accidents, illnesses, or diseases.

Sec. 11. An employer shall:

(a) Furnish to each employee, employment and a place of employment which is free from recognized hazards that are causing, or are likely to cause, death or serious physical harm to the employee.

(b) Comply with this act and with the rules and standards promulgated and the orders issued pursuant to this act.

(c) Post notices and use other appropriate means to keep his or her employees informed of their protections and obligations under this act, including applicable rules and standards.

(d) Provide personal protective equipment at the employer's expense when it is specifically required to be provided at the employer's expense in a rule or a standard promulgated by a standards promulgating commission.

When promulgating a rule or a standard concerning personal protective equipment, the standards promulgating commission shall use at least the following criteria in determining who should pay for the equipment:

- (i) Whether the equipment is transferable between employees.
- (ii) Whether the equipment is maintained by the employer.
- (iii) Whether the equipment generally remains at the work site after the work activity has been completed.
- (iv) The amount of personal use involved with the equipment.
- (v) Any other criteria deemed applicable by the standards promulgating commission.

Sec. 14a. (1) The occupational safety and health hazard communication standard that has been adopted or promulgated by the United States department of labor and has been codified at 29 C.F.R. 1910.1200 as of the effective date of the amendatory act that adds this section is incorporated by reference and shall have the same force and effect as a rule promulgated pursuant to this act. In addition to the standard incorporated by reference in this subsection, sections 14b to 14l shall apply to an employer subject to this act. The applicability of the standard incorporated by reference in this subsection and of sections 14b to 14l is subject to subsections (4), (5), (6), and (7).

(2) When a rule or standard that is continued pursuant to section 24(3) is in conflict with or covers the same or similar subject as a standard incorporated by reference pursuant to subsection (1), the federal standard so incorporated by reference shall govern, and the state rule or standard continued pursuant to section 24(3) is rescinded.

(3) The department of labor shall administer and enforce the provisions of the standard incorporated by reference in subsection (1) relative to occupational safety. The department of public health shall administer and enforce the provisions of the standard incorporated by reference in subsection (1) relative to occupational health. The departments of public health and labor shall administer and enforce the provisions of the standard incorporated by reference in subsection (1) in a manner that is consistent with the administration and enforcement of the standard by the federal occupational safety and health administration.

(4) Beginning November 25, 1985, employers who are chemical manufacturers in a standard industrial classification of 20 through 39 of the standard industrial classification code published by the federal department of management and budget, importers, and distributors shall label containers of hazardous chemicals leaving their workplaces, provide material safety data sheets with initial shipments, and otherwise comply with any applicable provision of the standard incorporated by reference pursuant to subsection (1) and of sections 14b to 14l. A chemical manufacturer, importer, or distributor subject to this subsection shall provide a material safety data sheet and an appropriately labeled container to each employer in this state, regardless of the employer's standard industrial classification in the standard industrial classification code, who purchases a hazardous chemical.

(5) Beginning May 25, 1986, an employer in a standard industrial classification of 20 through 39 of the standard industrial classification code published by the federal department of management and budget shall comply with the requirements of the standard incorporated by reference pursuant to subsection (1) and with sections 14b to 14l with respect to the use of hazardous chemicals in the workplace.

(6) Beginning February 25, 1987, an employer who is subject to this act but who is not otherwise specifically described in subsections (4) and (5) shall comply with the requirements of the standard incorporated by reference pursuant to subsection (1) and with sections 14b to 14l with respect to the use of hazardous chemicals in the workplace. However, instead of complying with any conflicting provision of the standard incorporated by reference in subsection (1), an employer who is described in this subsection is required:

- (a) To provide information and training only to employees who are exposed to hazardous chemicals in the normal course of employment or who are likely to be exposed to hazardous chemicals in the event of an emergency.
- (b) In the case where a hazardous chemical is mixed or combined with any other chemical or hazardous chemical by the employer, to maintain and provide a material safety data sheet for each constituent hazardous chemical and to maintain a material identification system that identifies to employees the appropriate material safety data sheets.

(7) The standard incorporated by reference in subsection (1), this section, and sections 14b to 14l shall not be construed to require an employer in a standard industrial classification other than 20 through 39 of the standard industrial classification code published by the federal department of management and budget to evaluate chemicals, to develop labels for containers of hazardous chemicals, or to develop material safety data sheets.

Sec. 14b. In non-emergency situations, a chemical manufacturer, importer, or employer claiming a trade secret, upon request, shall disclose a specific chemical identity, otherwise permitted to be withheld under the standard incorporated by reference in section 14a, in addition to a health professional as specified in 29 C.F.R.

1910.1200(i)(3), to an occupational health nurse providing medical or other occupational health services to exposed employees, to an authorized employee representative of an exposed employee, and to an exposed employee, if the occupational health nurse, the representative, and the employee comply with the requirements described in 29 C.F.R. 1910.1200(i)(3) and (4).

Sec. 14c. Pipes or piping systems in a workplace that contain a hazardous chemical shall be identified to an employee by a label or by a sign, placard, written operating instructions, process sheet, batch ticket, or a substance identification system that conveys the same information required to be displayed on a label by the standard incorporated by reference in section 14a. The employer shall provide at least 1 label, sign, placard, set of written operating instructions, process sheet, batch ticket, or a substance identification system selected by the employer and readily accessible to each employee at a location in the workplace designated by the employer. The employer shall establish a pipe and stationary process container entry procedure that will assure that the information required by 29 C.F.R. 1910.1200(f) is conveyed to an employee before entry. The requirements of this subsection shall apply in addition to the occupational safety and health hazard communication standard incorporated by reference in section 14a.

Sec. 14d. (1) Upon request of the director of the department of public health, an employer who claims a trade secret under the standard incorporated by reference by section 14a shall support the trade secret claim. Subject to subsection (2), the director shall consider the following factors in determining whether a specific chemical identity may be withheld as a trade secret:

- (a) The extent to which the information is known outside the employer's business.
- (b) The extent to which it is known by employees and others involved in the employer's business.
- (c) The extent of measures taken by the employer to guard the secrecy of the information.
- (d) The value of the information to the employer and the employer's competitors.
- (e) The amount of effort and money expended by the employer in developing the information.
- (f) The ease or difficulty with which the information could be properly acquired or duplicated by others.

(2) The determination made by the director under subsection (1) shall not uphold as a trade secret any chemical identity information that is readily discoverable through reverse engineering.

(3) This section shall not be construed to require the prior approval of trade secret claims by the director of the department of public health or the director of the department of labor.

(4) An exposed employee, a health professional providing medical or other occupational health services to exposed employees, or an authorized employee representative of an exposed employee may petition the director of the department of public health to review a denial of a written request for disclosure of a specific chemical identity. This review shall be conducted as a contested case pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws, and shall be confidential. The director shall review the assertion of trade secrecy and make a determination in accordance with the principles provided in this section and the standard incorporated by reference in section 14a. In preparing the final order, the director shall consider and require any prudent measures necessary to protect the health of employees or the public in general while maintaining the confidentiality of any trade secrets.

(5) The director of public health may revoke any order entered under subsection (4) upholding a trade secret claim after a hearing involving the parties of interest upon showing that a party has not complied with an order issued pursuant to subsection (4).

(6) Records and information obtained by any department, commission, or public agency related to a review by the director of public health under subsection (4) and to information determined by the director to be a trade secret in that review shall be exempt from disclosure under the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

(7) Notwithstanding that information has been claimed as a trade secret pursuant to 29 C.F.R. 1910.1200(i) or has been upheld by the director as a trade secret pursuant to this section, a chemical manufacturer, importer, or employer shall provide the specific chemical identity and percentage composition of a hazardous chemical to the director of public health when the director requests that information in the discharge of the director's duties under this act.

Sec. 14e. In order to educate employers, employees, and the public about the hazards of exposure to hazardous chemicals and the requirements of the occupational safety and health hazard communication standard incorporated by reference in section 14a and the requirements of sections 14b to 14l, the departments of public health and labor shall distribute periodically public service announcements to newspapers and television and radio stations throughout this state.

Sec. 14f. (1) An employer engaged in agricultural operations is not required to comply with the standard incorporated by reference in section 14a or sections 14b to 14l for a hazardous chemical that is regulated under the federal insecticide, fungicide, and rodenticide act, chapter 125, 86 Stat. 973, 7 U.S.C. 136 to 136i and 136j to 136y, or part 83 (pesticide control) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.8301 to 324.8336 of the Michigan Compiled Laws, and any rules or regulations promulgated under those acts.

(2) The director of the department of agriculture at least annually shall certify to the department of public health a list of chemicals regulated by the acts described in subsection (1).

Sec. 14g. An employer is not required to comply with the standard incorporated by reference in section 14a or with sections 14b to 14l with respect to a chemical in a sealed package and in transit by a common carrier if the seal remains intact while in transit.

Sec. 14h. An employer engaged in construction operations may satisfy the requirements of the standard incorporated in section 14a and sections 14b to 14l that a material safety data sheet be maintained for each hazardous chemical in the workplace by maintaining material safety data sheets in 1 or more central locations at a job site.

Sec. 14i. The chief of each organized fire department shall prepare and disseminate to each fire fighting employee of the organized fire department a plan for executing the department's responsibilities with respect to each site within the organized fire department's jurisdiction where hazardous chemicals are used or produced.

Sec. 14j. An employer subject to the standard incorporated by reference in section 14a and to sections 14b to 14l shall post signs throughout the workplace advising employees of all of the following:

(a) The location of the material safety data sheets for the hazardous chemicals produced or used in the workplace and the name of the person from whom to obtain the sheets.

(b) That the employer is prohibited from discharging or discriminating against an employee who exercises the rights regarding information about hazardous chemicals in the workplace afforded by the standard incorporated by reference in section 14a and by sections 14b to 14l.

(c) That, as an alternative to requesting the employer for a material safety data sheet for a hazardous chemical in the workplace, the employee may obtain a copy of the material safety data sheet from the department of public health. The sign shall include the address and telephone number of the division of the department of public health that has the responsibility of responding to such requests.

Sec. 14k. (1) An employer who is subject to the standard incorporated by reference in section 14a and to sections 14b to 14l shall organize the material safety data sheets for the hazardous chemicals in the workplace in a systematic and consistent manner and shall train employees in locating particular material safety data sheets.

(2) Not later than 5 working days after receipt of a new or a revised material safety data sheet, the employer shall post for a period of 10 working days a notice of the existence of the new or revised sheet and directions for locating the new or revised sheet according to the method used by the employer for organizing material safety data sheets.

Sec. 14l. The failure of an employer who is subject to the standard incorporated by reference in section 14a and to this section and sections 14b to 14k to provide an exposed employee with access to the most current material safety data sheet available to the employer shall not be considered by the department as a violation for which a deminimis notice of violation may be issued under section 33(5). The department may consider such a violation to be a serious violation or a violation not of a serious nature for which a citation may be issued under section 35.

Sec. 14m. The standard incorporated by reference in section 14a and sections 14b to 14l occupy the entire field of regulation of occupational safety and health with respect to hazardous chemicals in the workplace. Except as specifically provided in this act, any provision of any ordinance, law, rule, regulation, policy, or practice of a city, township, village, county, governmental authority created by statute, or other political subdivision of the state that imposes any requirement on an employer or expands the rights of an employee with respect to the communication of the hazards of hazardous chemicals in the workplace shall be considered in conflict with this act and shall not be enforceable.

Sec. 31. (1) When and as soon as a department representative determines that an imminent danger exists in a place of employment, the department representative shall inform the employer and the affected employees of a determination of the imminent danger. The department representative immediately shall recommend to the appropriate department director that an order be issued to require that steps be taken as may be necessary to avoid, correct, or remove the imminent danger. After receiving authorization for the issuance of an order from the appropriate department director, the department representative shall apply a tag to the equipment or process which is the source of the imminent danger identifying that an imminent danger exists. The tag shall be removed only by the department representative. At request of the employer, an area supervisor shall, within 24 hours after a request, make an on site review of any tagging and recommend continuance or removal. The order shall prohibit the employment or presence of an individual in locations or under conditions where imminent danger exists, except individuals whose presence is necessary to avoid, correct, or remove the imminent danger in a safe and orderly manner. In tagging the equipment or process which is the source of imminent danger and in issuing the order, consideration shall be given to any necessity to maintain the capacity of a continuous process operation and to the reestablishment of normal operations without a complete cessation of operations.

(2) An employer shall not permit an employee, other than an employee whose presence is necessary to avoid, correct, or remove the imminent danger, to operate equipment or engage in a process which has been tagged by the department and which is the subject of an order issued by the department identifying that an imminent danger exists. An employee who suffers a loss of wages or fringe benefits or is in any manner discriminated against for refusing to operate equipment or engage in a process which has been tagged by the department and which is the subject of an order issued by the department, as provided in this section, may file a discrimination complaint, and the department of labor may order appropriate relief as provided in section 65. This section does not prohibit an employer from assigning an employee to an operation not affected by the imminent danger situation, subject to any collective bargaining agreement.

(3) Upon failure of the employer to promptly comply with a department order, as described in subsection (1), the appropriate department shall petition the circuit court having jurisdiction to restrain a condition or practice in a place of employment which the department determines causes the imminent danger.

(4) If the department arbitrarily or capriciously fails to seek relief under this section, an employee who may be injured by reason of the failure, or the representative of those employees, may bring action against the department in the circuit court having jurisdiction for a writ of mandamus to compel the department to seek an order and for further relief, as may be appropriate.

(5) The department of public health or the department of labor shall respond within 24 hours after receipt of an imminent danger complaint concerning an unknown and unlabeled container of chemicals or an imminent danger complaint concerning a container of hazardous chemicals that is not labeled or for which a material safety data sheet is not available as required by the standard incorporated by reference in section 14a and by sections 14b to 14l.

(6) Before a department representative seeks authorization to issue an order pursuant to the procedures prescribed in subsection (1), an employer shall be given a reasonable opportunity to identify, label, or provide the material safety data sheet for the container which is the subject of the imminent danger determination.

Sec. 63. (1) Information reported to or otherwise obtained by the department of labor or the department of public health, in connection with an inspection, investigation, or proceeding under this act that contains or that might reveal a trade secret, including information required to be made available under sections 14a through 14l and section 24(9) and (10), shall be considered confidential. In a proceeding under this act, the department of public health shall promulgate rules for the purpose of protecting trade secrets regarding information required to be made available under sections 14a through 14l and section 24(9) and (10), and the appropriate department, the board, or the court shall issue orders as may be appropriate to protect the confidentiality of trade secrets and to carry out the objectives of this act.

(2) Except as otherwise provided by this subsection and subsection (1), information reported to or otherwise obtained by a department from an employee in connection with an inspection, investigation, or proceeding under this act shall be made available to the public pursuant to the freedom of information act, Act No. 442 of the Public Acts of 1976, as amended, being sections 15.231 to 15.246 of the Michigan Compiled Laws. The identity of an employee or any information that may lead to the identification of an employee who provides information pertaining to a possible violation or violations of this act shall be exempt from disclosure.

Section 2. Section 11 shall take effect May 25, 1986.

This act is ordered to take immediate effect.