

What It's All About



**Pennsylvania
Worker & Community
Right to Know Act**

WHAT IS RIGHT TO KNOW?

Pennsylvania citizens and workers have a “right to know” about chemical hazards present where they live and work.

The Pennsylvania Worker and Community Right to Know Act created a system for communicating information about these chemicals. Persons living or working in Pennsylvania have access to this important information.

The law helps to protect the health and safety of everyone by increasing public awareness about exposure to chemicals; hazards associated with such exposure; and safe and proper handling procedures.

WHY WAS THE ACT PASSED?

The Right to Know Act is a response to widespread concern over the realization that many Pennsylvania workers and their families are exposed to hazardous chemicals on the job or in the community. In designating the State Department of Labor & Industry as the agency administering the program, the law provides for the exchange of important information about hazardous chemicals and ultimately, data about occupational illnesses related to chemical exposure.

In addition, the availability of such information makes it easier for community emergency response systems to be better prepared to respond to leaks, spills and fires.

WHO MUST COMPLY?

Under the law, all employers have some compliance responsibilities. The law defines an employer as any individual, partnership, corporation or association doing business in the commonwealth.

Public sector employers and any other non-OSHA covered employers must comply with the employee access to chemical information and with the training provisions inside their workplace.

All employers must comply with the community provisions which provide hazardous chemical information to the public and emergency response agencies.

HISTORY OF PENNSYLVANIA'S RIGHT TO KNOW ACT

Beginning in the late 1970's, concern about the health effects of hazardous substances eventually resulted in a number of local and state governments passing Right to Know laws. This concern also prompted the state of Pennsylvania to act. After legislation was signed into law, a series of federal court decisions altered certain employer compliance requirements. Following is the chronology of Pennsylvania's Right to Know law leading up to full implementation of the Right to Know regulations:

Oct. 5, 1984 - The Worker and Community Right to Know Act is signed into law, P.L. 734, No. 159. It requires employers to provide employees and community residents access to information on hazardous materials present in the workplace.

Aug. 17, 1985 - The final list of Hazardous Substances to be regulated under the Right to Know Act is published in the *Pennsylvania Bulletin*.

Aug. 2, 1986 - Regulations implementing the worker and community access provisions of the act are published as final in the *Pennsylvania Bulletin*. Most of the regulations are scheduled to go into effect on Dec. 1, 1986.

The published regulations take into account ongoing court action affecting manufacturers' compliance with the community access provisions of the Right to Know program.

Sept. 12, 1986 - The U.S. Court of Appeals for the Third Circuit rules that manufacturers must comply with the community access provisions of the Right to Know regulations. The decision is subsequently appealed to the U.S. Supreme Court.

Aug. 3, 1987 - As scheduled in the regulations, the rules for hazardous chemical labeling and MSDSs/SDSs go into effect.

Aug. 24, 1987 - Under court order, OSHA expands its regulations of employee access to include most non-manufacturing sectors. This action immediately stops the state from regulating employee access to workplace chemical information wherever OSHA has jurisdiction.

Sept. 19, 1987 - The department issues notice in the *Pennsylvania Bulletin* about the impact of OSHA expansion. The state will continue to regulate public sector workplaces and will continue to regulate all employers for community access to hazardous chemical information.

Oct. 5, 1987 - The U.S. Supreme Court denies the appeal which means the lower court's ruling requiring manufacturers' compliance with community access regulations stands.

March 26, 1988 - Amendments to the Right to Know regulations implementing the court's decision are published in the *Pennsylvania Bulletin* and go into effect immediately.

Aug. 2, 1988 - As scheduled in the regulations, rules for labeling non-hazardous chemicals go into effect.

Aug. 12, 1989 -The department's Hazardous Substance List is revised and published in the *Pennsylvania Bulletin*.

Sept. 16, 1995 - The department issues notice in the *Pennsylvania Bulletin* about amendments to the labeling requirements. The amendments include a definition of "private label" and provides for a supplier's name, address and telephone number to appear on a label.

WHAT RESPONSIBILITIES DO NON-OSHA COVERED EMPLOYERS HAVE UNDER PENNSYLVANIA RIGHT TO KNOW?

Non-OSHA covered employers (including public sector employers) are required to:

- Post a Workplace Notice, which lists employee rights under the law.
- Complete and post a Hazardous Substance Survey Form annually, by April 1 of each year, and provide it to the Department of Labor & Industry, if requested.
- Collect and maintain a file of Material Safety Data Sheets/Safety Data Sheets. These MSDSs/SDSs give detailed information on each hazardous substance in the

workplace. The MSDSs/SDSs must be made available to employees without intervention of a supervisor.

- Complete an Environmental Hazard Survey Form, if requested by the department, and make it available to employees.
- Label all containers and ports of pipelines containing hazardous substances or hazardous mixtures in the workplace.
- Label workplace containers and ports of pipelines containing any chemical.
- Provide an annual training program for employees exposed to hazardous substances.
- Maintain employee health and exposure records and make these records available to employees.
- Provide copies of the Hazardous Substance Survey Form, Environmental Hazard Survey Form, and Material Safety Data Sheets/Safety Data Sheets to local emergency response organizations, if requested.

WHAT RESPONSIBILITIES DO OSHA COVERED EMPLOYERS HAVE UNDER PENNSYLVANIA RIGHT TO KNOW?

OSHA covered employers must:

- Complete and have on file a Hazardous Substance Survey Form annually, by April 1, and provide it to the department, if requested.
- Complete an Environmental Hazard Survey Form, if requested by the department.
- Collect and maintain a file of Material Safety Data Sheets/Safety Data Sheets.
- Label all containers of hazardous substances produced in or delivered to customers in Pennsylvania.

- Label containers of all chemicals produced in or delivered to customers in Pennsylvania.
- Prepare and provide Material Safety Data Sheets/Safety Data Sheets for hazardous substances they produce or deliver in Pennsylvania to:
 - All customers.
 - Department of Labor & Industry.
- Provide copies of the Hazardous Substance Survey Form, Environmental Hazard Survey Form, and Material Safety Data Sheets/Safety Data Sheets to local emergency response organizations, if requested.

WHAT SUBSTANCES ARE REGULATED UNDER PENNSYLVANIA'S RIGHT TO KNOW ACT?

A Hazardous Substance List has been developed to help identify hazardous substances, special and environmental hazards. There are two versions of this list. The first version of the department's Hazardous Substance List contains chemicals regulated by the Right to Know law, which lists chemical names in alphabetical order. The second version lists regulated chemical substances in order of the Chemical Abstracts Service (CAS) number. This list is also referred to as the Option 2 or check-off list.

WHICH SUBSTANCES AND PRODUCTS ARE EXEMPT?

The law and regulations exempt the following:

- Articles - a manufactured item which is formed to a specific shape or design during manufacturing;
- Products intended for personal consumption by employees in the workplace;
- Products regulated by the Food, Drug and Cosmetic Act;

- Consumer products packaged in containers which are primarily designed for distribution to and use by the general public;
- Tobacco and tobacco products;
- Naturally occurring substances such as animal manure and coal.

The law and regulations have also granted special exemptions (only exempt from certain portions of the act) to the following:

- Sealed packages;
- Research and development labs;
- Employers without employees.

WHO MAY REQUEST INFORMATION ABOUT HAZARDOUS SUBSTANCES?

Any person living or working in the commonwealth may request information about hazardous substances covered by the Pennsylvania Right to Know Act. The person should contact the department, which will then obtain the requested information. As required by the Right to Know Act, all information requests and complaints are kept confidential by the department.

WHAT SHOULD A PERSON DO TO REQUEST MORE INFORMATION?

CONTACT:

Department of Labor & Industry
Bureau of Workers' Compensation
Health & Safety Division
1171 S. Cameron Street
Room 324
Harrisburg, PA 17104

PHONE: 717-772-1635

FAX: 717-783-6365

EMAIL: **RA-LI-BWC-SAFETY@pa.gov**

www.dli.state.pa.us



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DEPARTMENT OF LABOR & INDUSTRY

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