

**PUBLIC SECTOR  
RIGHT TO KNOW BULLETIN  
COMPLIANCE CHECKLIST FOR  
PUBLIC SECTOR EMPLOYERS**

This checklist is designed to help public sector employers evaluate their Right to Know programs. It is not intended to be a legal interpretation of the regulations of the Pennsylvania Worker and Community Right to Know Act or to place any additional requirements on employers or employees.

A "NO" answer to any of these questions may indicate that your workplace is not fully in compliance with the Pennsylvania Worker and Community Right to Know Act. For further assistance with your program, 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  
RA-LI-BWC-SAFETY@pa.gov

**POSTING OF NOTICES AND OTHER INFORMATION**

**YES NO N/A**

1. Is the current Employee Workplace Notice posted in a location where employee notices are normally posted?
2. Is the Hazardous Substance Survey Form (HSSF) posted in a location where employee notices are normally posted?

**LABELING OF SUBSTANCES**

**YES NO N/A**

1. Are labels, signs or placards affixed to all:
  - Containers
  - Storage tanks
  - Ports of pipelines
2. Do the labels for hazardous substances contain the following:
  - Chemical or common name
  - A hazard warning
  - The name, address and telephone number of the manufacturer or supplier
3. Do the labels for nonhazardous substances contain the following:
  - Chemical or common name
  - A hazard warning (if appropriate)
  - The name, address and telephone number of the manufacturer or supplier

**LABELING OF SUBSTANCES****YES****NO****N/A**

4. Have you labeled ports of pipelines in the manner consistent with the preceding questions?
5. Does the chemical or common name of a container's label cross reference with the chemical or common name listed on the appropriate Material Safety Data Sheet (MSDS)/Safety Data Sheet (SDS)?
6. For any "NO" answers above, do any exemptions apply as listed in Section 309.1 of the regulations?
  - Pesticides as defined in the Federal Insecticide, Fungicide and Rodenticide Act
  - Foods, drugs or cosmetics as defined in the Federal Food, Drug and Cosmetic Act
  - Distilled spirits, beverage alcohols, wine or malt beverages intended for nonindustrial use as defined in the Federal Alcohol Administration Act
  - Hazardous waste from spills and disposal site rehabilitation projects handled under the Resource Conservation and Recovery Act (RCRA) or the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)
  - Chemicals or mixtures transferred by an employee from labeled containers which are intended only for that employee's immediate use
7. Do any exemptions apply as listed in Section 301.3 of the regulations?
  - Articles<sup>1</sup>
  - Food, drugs or cosmetics
  - Sealed packages<sup>2</sup>
  - Tobacco
  - Products intended for personal consumption
  - Research/development laboratories
  - Consumer products

<sup>1</sup>) Article - A manufactured item which is formed to a specific shape or design during manufacture, which has end use functions dependent in whole or in part upon its shape or design during end use and which does not release, or otherwise result in exposure to, a hazardous chemical under normal conditions of use. An article is exempt from the act under Section 18(a)(1) of the Act (34 P.S. Section §7318(a)(1)).

<sup>2</sup>) Sealed Packages - A portable container into which the manufacturer, importer or supplier has placed chemicals and which is sealed by the manufacturer, importer or supplier for transport to another location and which is intended to remain sealed until reaching its final destination. The term includes containers used to transport hazardous wastes under the Resource Conservation and Recovery Act of 1976 (42 U.S.C.A. Sections 6901-6986) or the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (26 U.S.C.A. Section §4611- 4682) and (42 U.S.C.A. Sections 6911, 6911e and 9601-9657).

## **EDUCATIONAL AND TRAINING PROGRAM**

**YES**

**NO**

**N/A**

### **Section A - Inspector's Focus**

1. Is an employee annual training program completed?
2. Is an employee annual training program documented?
3. Does the training documentation include:
  - Dates of training sessions
  - Names of employees attending training sessions
  - Name(s) of trainer
4. Are new employees given training within 120 days of hire?
5. Has the training for new employees been documented?
6. Are employees given additional training when/if they are exposed to new hazardous substances?
7. If conducted, has the training been documented?
8. Are employees given additional training when new information is learned about hazardous substances for which they have already been trained?
9. If conducted, has the training been documented?
10. Does the content of the training program for employees using, handling or exposed to hazardous substances include the following information concerning the hazardous substances or hazardous mixtures?
  - The location
  - The properties
  - The chemical and common name
  - The acute and chronic effects
  - The symptoms arising from exposure
  - The potential for flammability, explosivity and reactivity
  - Appropriate emergency treatment
  - Appropriate personal protective equipment and proper conditions for safe use
  - Emergency procedures for spills, leaks, fires, pipeline breakdowns or other accidents

### **Section B - Educator's Focus**

1. Is the material being presented appropriate to the level of education of the employees being trained?

**EDUCATIONAL AND TRAINING PROGRAM, continued**

**YES**

**NO**

**N/A**

2. Do you use one or more methods of presenting the material to be learned such as:
  - Lectures
  - Audio/visual materials
  - Role playing
  - Case studies
  - Hands-on training
  - Group discussion
  - "Walk through"
3. Do you allow sufficient time in the training session to answer employees' questions?
4. Do you use one or more methods to evaluate the effectiveness of your training program such as:
  - Pre- and post-tests
  - Practice demonstrations
  - Discussion exercises
  - Written evaluation of a reduced number of accidents or injuries
  - Written evaluation of the course by participants

**WORKPLACE AND WORK AREA LISTS AND MSDSs/SDSs**

1. Has the HSSF been completed for the current reporting year for the workplace?
2. Is the HSSF used as a work area list?
3. If not, do you have a work area list available?
4. Do you have MSDSs/SDSs for all regulated substances listed on your HSSF?
5. Are the MSDSs/SDSs legible and understandable?
6. Are the MSDSs/SDSs accessible in the workplace?
7. Are the appropriate MSDSs/SDSs accessible in each respective work area without the need for intervention of a supervisor?
8. Can you and your employees identify and access the respective work area MSDSs/SDSs?

## HEALTH AND EXPOSURE RECORDS

YES

NO

N/A

### Section A - Record Keeping Requirements

1. Do you inform new employees of your policy regarding:
  - The existence, location and availability of any pertinent health or exposure records relating to their employment?
  - The person responsible for maintaining and providing access to these records?
  - Each employee's rights of access to these records?
2. Do you inform employees exposed to hazardous substances at least annually thereafter on this same policy?
3. Have you developed a system for maintaining medical records for the duration of employment plus 30 years?
4. Have you developed a system for maintaining employee health and exposure records for at least 30 years?
5. Do you have a policy for providing short term employees (those employed less than one year) with a copy of their medical records upon termination of their employment?

### Section B - Employee Access to Records

1. Do you provide access to records to employees or their designated representatives upon their request?

### Section C - Emergency Response Organization's/ Department of Labor & Industry's Request for Records

1. At the written request of an emergency response organization, do you have a policy/procedure to provide the following:
  - HSSF
  - MSDS/SDS
  - Environmental Hazard Survey Form (EHSF)
2. At the written request of the Department of Labor & Industry, do you have a policy/procedure to provide the following:
  - HSSF
  - MSDS/SDS
  - EHSF

**HEALTH AND EXPOSURE RECORDS**, continued

**YES**

**NO**

**N/A**

3. At the request of a representative of the Department of Labor & Industry (in the event of an enforcement inspection), do you have a policy/procedure to provide the following:

- Work Area Lists
- HSSF
- MSDS/SDS
- EHSF

Corrective Actions Required: