

P-6

Hazardous Material & Waste (Worker Right to Know Program)

Comments and Questions Regarding This Manual Section Should Be Directed To:
The DGS Safety Coordinator at 717-346-1526 or email at TimBurke@pa.gov or mail at:

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I. General

Act 1984-159, the Worker and Community Right to Know Act of October 5, 1984, commonly called the “Right to Know” or “R2K” Act, is a State law referencing the handling and storage of hazardous chemicals. The purpose this program is to inform:

A. Employees of:

1. Hazardous substances stored and/or used in the workplace;
2. The hazards they pose; and
3. The precautions that should be taken when using/disposing such substances or being potentially exposed to them; and

B. The community and emergency services of what hazardous substances are present, and where they are located, in order to protect themselves and be better prepared in case of an emergency.

The Department of Labor and Industry (L&I) administers the R2K Act. The Bureau of Worker and Community Right to Know, L&I, provides training and technical assistance for implementation of the law and is responsible for enforcement.

II. Policy

Employees, the general public and emergency service organizations shall be provided information on hazardous chemicals in accordance with the Pennsylvania Community and Worker Right to Know Act (R2K).

III. Exemptions to the Act:

A. “Articles”: manufactured items in a shape or design which have an end use function and which, under normal conditions, do not release harmful chemicals (i.e. chairs, paper, etc.). Note: Self-contained cartridges, such as toner cartridges, are considered an “article,” and therefore exempt.

B. Products intended for personal use or consumption by the employee.

- C. Products primarily intended for sale on the retail market to the general public and sealed in a package.
- D. Food, drugs, cosmetics as defined in the Federal Food Drug and Cosmetic Act, and tobacco products as defined under the Federal Cigarette Labeling and Advertising Act.
- E. Consumer products packed in containers which are primarily designed for distribution and use by the general public.
- F. Research and development laboratory products need not meet all the requirements of this law.
- G. Sealed packages.

IV. Responsibilities

A. DGS Fire, Safety and Environmental Section will:

1. Develop and maintain Department-wide implementation guidelines.
2. Provide technical Hazardous handling, exposure and disposal assistance to any/all DGS supervisors.
3. Monitor compliance with all the requirements of the Act.

B. Supervisors are responsible to ensure:

1. **Posters:**

The R2K Employee Workplace Notice, Attachment 2, is posted on work area official bulletin board(s) where mandatory employee notices are posted.

2. **Hazardous Substance Survey Forms(HSSF):**

a) An area Hazardous Substance Survey Form (HSSF) is completed annually prior to April 1 of each year.

b) The HSSF must be posted on official bulletin board(s) where mandatory employee notices are posted, and a copy sent to the building manager where the work area is located and to the DGS Safety Coordinator. *Note: if no hazardous substances are located in the work area, complete a work area HSSF, indicating “negative” in column B.*

- c) To complete an HSSF Option 1 (Attachment 1) is preferred but if Option 1 is impracticable Option 2 is acceptable.
- d) If the workplace is comprised of several work areas which are distinct from the workplace, a HSSF should be completed for each work area and all work area HSSFs should then be combined into one workplace HSSF.
- e) For DGS managed buildings; a copy of all HSSF and MSDS will be sent to the Building Manager to combine into an area HSSF.
- f) If the office is the sole occupant of a leased building, the supervisor is responsible for the workplace HSSF.
- g) If the office is located in a leased building of mixed occupancy (other Departments and/or private firms) each DGS office/bureau must consider itself a workplace for completing the HSSF and other R2K responsibilities.

3. Material safety Data Sheets:

- a) The required Material Safety Data Sheets (MSDS) are obtained for all hazardous substances stored and/or used in the work area.
- b) Place MSDS in locations easily accessible to all employees, during normal work hours, without having to request permission or intervention from their supervisor/manager. They should be filed for quick and easy access in case of emergency.
- c) Provide a copy of an MSDS to an employee within five days of receiving a written request. If not in possession of the requested MSDS, try to obtain it from the manufacturer, or other source, within 15 days. Inform the employee in writing (within five working days of receiving his/her written request) of your action(s). If the requested MSDS is not provided or an attempt to get it is not taken, the employee has the right to refuse to work with that particular substance. Reassignment of an employee to other work, at equal pay and benefits, is not considered a penalty.

4. Ensure TRAINING is provided:

- a) R2K awareness training is provided for all DGS employees during orientation.
- b) Specific R2K training is provided annually for employees working with hazardous substances (see Section E.2).
- c) Written R2K training records are maintained (see Section E.3).

d) To inform employees of their right to request information from the Department of Labor and Industry (L&I) or to complain to L&I if they believe that their rights under the R2K Act were violated. Requests for information or complaints should be addressed to L&I, Bureau of Right to Know 7th and Forster Streets, Harrisburg, PA 17120.

5. Labeling

a) Ensure that all containers and ports of pipelines of hazardous substances are properly labeled with a sign, emblem, sticker, tag or mark affixed or stenciled onto the container.

b) The label must contain:

- (1) The chemical name or common name of the substance;
- (2) Hazard warnings if any (i.e., health, flammability, reactivity, explosive, and/or personal protection);
- (3) The name, address and phone number of the manufacturer.

c) If a container is already labeled by the manufacturer, and the label contains the aforementioned information, it does not have to be relabeled by the employer.

d) When a hazardous substance is transferred from a labeled container into another container for immediate and complete use by the employee performing the transfer, the “other” container does not have to be labeled. However, if left unattended, it must be labeled,

6. Records:

Ensure that R2K medical/exposure records are forwarded to HR and the Safety Coordinator.

7. Disposal

a) All hazardous materials are disposed of according to the information contained on the MSDS.

b) Contact the manufacturer or the Safety Coordinator for any technical assistance.

C. Storeroom/Warehouse manager/clerk is responsible for:

1. Collecting MSDSs for all hazardous substances received. If an MSDS is not available, contact the supplier.

2. Distributing copies of the MSDS to:
 - a) Right to Know Coordinator
 - b) Work area supervisor/unit head where the hazardous substance is to be stored or used.
3. Verifying that all containers of hazardous substances are appropriately labeled.

D. Human Resources Office is responsible for ensuring that:

1. New employee orientation program includes a R2K session;
2. R2K training records are established and maintained;
3. R2K medical/exposure records are kept in the human resources office in a separate, secure, and confidential file, not part of the Official Personnel File, for at least 30 years beyond the employee's termination. Refer to Attachment 3 for details.

V. Training

The following R2K training must be provided:

A. R2K awareness training to all employees within 120 days of employment and later as deemed necessary. The content of this R2K awareness training should include the following information:

1. The provisions of the R2K Act;
2. The location of the Employee Workplace Notice;
3. The location of the HSSF;
4. The location of the MSDSs;
5. The identity of the Right to Know Coordinator;
6. The employee's right to access their own exposure record (Attachment 3).
7. How to determine that proper handling and disposal techniques for any/all hazardous materials.

B. Specific R2K training on hazardous substances for those employees working with or potentially exposed to hazardous substances. This training must be provided:

1. Within 120 days of employment;
2. Whenever the potential for exposure to hazardous substances is different from that for which training was previously provided (i.e. new hazardous

substances have been introduced, employee has been reassigned to different work area, new and significant information concerning hazardous substance is received, etc.); and

3. Annually thereafter.

Note: the content of this specific R2K training should include the following information, most of which can be found in the hazardous substances' MSDSs:

- a. Location of the hazardous substance;
- b. Location of the MSDS for the hazardous substance;
- c. Chemical or common name;
- d. Properties;
- e. Hazards (flammability, explosive, etc.);
- f. Acute and chronic health effects;
- g. Symptoms arising from exposure;
- h. Appropriate personal protective equipment (PPE) and proper condition for safe use;
- i. Appropriate emergency treatment;
- j. Emergency procedures for spills, fire, etc.;
- k. Reminded of employee's right to access to own exposure record (Attachment 3).

C. R2K training records must be accurately maintained on a roster (example found in Attachment 4), indicating the date/time of training, the names of employees trained and the hazardous substances which were the topic of their training. A copy of this training roster should be immediately forwarded to the Safety Coordinator who will keep a R2K training file.

VI. References

- Act 1984-159, Rules and Regulations, are contained in 34 Pa Code, Chapters 301-323
- Management Directive 505.27, The Worker and Community Right to Know Act (P.L. 734, No. 159)
- DPW Safety/Occupational Health Manual 7067.16, Safety Standards for Asbestos Containing Materials

VII. Appendix

- a. Hazardous Substance Survey Form and Directions
- b. Employee Workplace Notice
- c. Employee Medical/Exposure Records
- d. Sample R2K Training Roster

INSTRUCTIONS FOR COMPLETION OF THE HAZARDOUS SUBSTANCE SURVEY FORM (HSSF)

PENNSYLVANIA WORKER AND COMMUNITY RIGHT TO KNOW ACT

The Hazardous Substance Survey Form lists the hazardous substances, special hazardous substances, and environmental hazards found in the workplace. The employer must provide the following information on this form:

Item 1 Employer Name.

Item 2 Federal Employer Identification Number.

This number can usually be obtained from the company's accounting department, budget or comptroller's office.

Item 3 Division or Plant Name.

Item 4 Workplace Covered By This Form.

The name of the specific workplace for which the Hazardous Substance Survey Form is being completed. A workplace is defined by the Act as "Any building or work area or contiguous group of buildings or work areas at one geographical location composing a plant site in the Commonwealth used by the employer on a permanent or temporary basis to conduct business."

Item 5 Street Address of the Workplace.

The actual/physical location of the workplace.

Item 6 Mailing Address.

The mailing address for the workplace if different from the street address.

Item 7 Telephone Number.

The appropriate telephone number (including area code and extension) to receive calls regarding the Hazardous Substance Survey Form.

Item 8 County Name and Code.

The county name and code from the table below showing the location of the workplace.

Pennsylvania Counties and Codes

COUNTY CODE	COUNTY CODE	COUNTY CODE	COUNTY CODE
Adams 01	Clinton 18	Lackawanna 35	Pike 52
Allegheny 02	Columbia 19	Lancaster 36	Potter 53
Armstrong 03	Crawford 20	Lawrence 37	Schuylkill 54
Beaver 04	Cumberland 21	Lebanon 38	Snyder 55
Bedford 05	Dauphin 22	Lehigh 39	Somerset 56
Berks 06	Delaware 23	Luzerne 40	Sullivan 57
Blair 07	Elk 24	Lycoming 41	Susquehanna 58
Bradford 08	Erie 25	McKean 42	Toga 59
Bucks 09	Fayette 26	Mercer 43	Union 60
Butler 10	Forest 27	Mifflin 44	Yanango 61
Cambria 11	Franklin 28	Monroe 45	Warren 62
Cameron 12	Fulton 29	Montgomery 46	Washington 63
Carbon 13	Greene 30	Montour 47	Wayne 64
Centre 14	Huntingdon 31	Northampton 48	Westmoreland 65
Chester 15	Indiana 32	Northumberland 49	Wyoming 66
Clarion 16	Jefferson 33	Perry 50	York 67
Clearfield 17	Juniata 34	Philadelphia 51	Out-of-State 99



Item 9 Name of Employer or Employer Representative; Title; Date.

The name and title of the Employer or Employer Representative responsible for the information on the Hazardous Substance Survey Form. Provide the date the form was prepared.

Item 10 Business Address of Signatory.

The business address of the Employer or Employer Representative completing the Hazardous Substance Survey Form.

Item 11 Report Period.

The report period is for the entire prior calendar year.

Item 12 Signature of Employer or Employer Representative.

The person responsible for the information on the form and who can be contacted for additional information must sign the form. The signature must be the same name that appears in Item 9.

In listing workplace hazardous chemicals on Hazardous Substance Survey Form Option 1:

Employers are encouraged to first list the name of the product containing the hazardous chemical(s) and then list the substance name of the hazardous chemical as it appears on the Hazardous Substance List. Place a check mark in the appropriate box for the physical and/or health hazard(s) posed by the product.

Information about physical and health hazards (fire, sudden release of pressure, reactivity, immediate (acute), delayed (chronic)) may be found on the product label and Material Safety Data Sheet. Definitions of hazard categories are as follows:

- Fire hazard, includes "flammable," "combustible liquid," "pyrophoric" and "oxidizer."
- Sudden release of pressure, includes "explosive" and "compressed gas."
- Reactive hazard, includes "unstable reactive," "organic peroxide" and "water reactive."
- Immediate (acute) health hazard, includes "highly toxic," "toxic," "irritant," "sensitizer," "corrosive" and other hazardous chemicals that cause an adverse effect to a target organ which usually occurs rapidly as a result of short term exposure.
- Delayed (chronic) health hazard, includes "carcinogens" and other hazardous chemicals that cause an adverse effect to a target organ and the effect of which occurs as a result of long term exposure and is of long duration.

If the substance is an environmental hazard, insert an 'E' in the appropriate block. If the substance is a special hazardous substance, insert an 'S' in the appropriate block. If neither is applicable, no blocks should be marked.

A Chemical Abstracts Service (CAS) number is the unique identification number assigned to chemicals by the Chemical Abstracts Service, a division of the American Chemical Society. Provide the Chemical Abstracts Service number as it appears on the Hazardous Substance List. If a substance has no Chemical Abstracts Service number, leave this item blank.

In listing workplace hazardous chemicals on Hazardous Substance Survey Form Option 2:

Complete Items 1 through 12 on Part I. Enter "X" for all hazardous substances present at the workplace on Part II. Indicate the Federal Employer Identification number on upper right portion of each sheet that contains an "X" for a hazardous substance present at the workplace.



**PENNSYLVANIA
WORKER AND COMMUNITY
RIGHT TO KNOW ACT**

**EMPLOYEE
WORKPLACE
NOTICE
PUBLIC SECTOR**

The Pennsylvania Worker and Community Right to Know Act requires that information about hazardous substances in the workplace and in the environment is available to public sector employees and employees of private sector workplaces not covered by the Federal Occupational Safety and Health Administration (OSHA) Hazard Communication Standard and to all persons living or working in the state. Employee rights listed below are further defined in the Worker and Community Right to Know Act (P.L. 734, No. 159) and Regulations. For additional information, contact the Department of Labor and Industry, Bureau of PENNSAFE, Room 155-E, Seventh and Forster Streets, Harrisburg, Pennsylvania 17120; (717) 783-2071; FAX (717) 783-5099; li-pennsafe@state.pa.us (e-mail).

Employee Workplace Notice:

Public sector employers (including state and local government agencies and public schools and public universities) and private sector employers not covered by the OSHA Hazard Communication Standard must post this notice informing employees of their rights under the law. This notice must be posted prominently in the workplace at a location where employee notices are normally posted.

Training:

Public sector employers and private sector employers not covered by the OSHA Hazard Communication Standard must provide an annual education and training program to employees exposed to hazardous substances. The training program may be presented either in written form or in training sessions.

Hazardous Substance Survey Form:

The Hazardous Substance Survey Form (HSSF) provides an inventory of the hazardous substances found in the workplace during the prior calendar year. All employers must complete a workplace HSSF annually. Public sector employers and private sector employers not covered by OSHA must post the HSSF prominently in the workplace and must provide a copy to any employee upon request.

Work Area List:

The Work Area List names the hazardous substances used or produced in a specific work area in the workplace. Public sector employers and private sector employers not covered by the OSHA Hazard Communication Standard must update a Work Area List at least annually, must provide a copy to any employee of the work area upon request, and must offer a copy to any employee newly assigned to that work area.

Material Safety Data Sheet:

The Material Safety Data Sheet (MSDS) provides detailed information about a hazardous substance. In public sector workplaces and private sector workplaces not covered by the OSHA Hazard Communication Standard, an MSDS must be accessible in the work area where the hazardous substance it describes is used. MSDSs must be readily available to employees without the intervention or permission of management or supervisors, and any employee may obtain and examine an MSDS for any hazardous substance in the workplace. If an employee's request to obtain a copy of an MSDS is made to the employer in writing and, after five working days from the date the request is made, the employer fails to furnish the employee with an MSDS in the employer's possession or fails to provide the employee with proof of the employer's effort to obtain the requested MSDS from the manufacturer, importer, supplier or distributor and from the Department of Labor and Industry, the requesting employee may refuse to work with the substance.

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Environmental Hazard Survey Form:

The Environmental Hazard Survey Form (EHSF) provides information about any environmental hazards emitted, discharged or disposed of from the workplace. All employers are required to complete an EHSF when and if requested to do so by the Department of Labor and Industry. If an EHSF has been completed by a public sector employer or a private sector employer not covered by the OSHA Hazard Communication Standard, a copy must be provided to any employee upon request.

Labeling:

All containers and parts of pipelines of hazardous and non-hazardous substances in public sector workplaces and private sector workplaces not covered by the OSHA Hazard Communication Standard must be properly labeled. Employers must ensure that each label, sign, placard or other operating instruction is prominently affixed and displayed on the container or part of a pipeline system so that employees can easily identify the contents.

Health and Exposure Records:

Public sector employers and private sector employers not covered by the OSHA Hazard Communication Standard must maintain and allow employee access to records of employee chemical exposure to the extent required by OSHA (under 29 CFR 1910.1200) or by the Mine Safety Health Administration (under 30 CFR 70.210 and 71.210).

Non-discrimination:

If a public sector employee or an employee of a private sector workplace not covered by the OSHA Hazard Communication Standard believes that he or she has been discharged, disciplined or discriminated against by an employer for exercising his or her rights granted under the Pennsylvania Worker and Community Right to Know Act, that employee has 180 days from the date of the alleged violation to file a written complaint with the Department of Labor and Industry, Bureau of PENNSAFE.



Commonwealth of Pennsylvania
Edward G. Rendell, Governor

Department of Labor and Industry
Stephen M. Schmirin, Secretary

ATTACHMENT 2 TO 7067.21 RIG-IT TO KNOW
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ACTA DE DERECHOS A CONOCER PARA LOS TRABAJADORES Y COMUNIDADES EN PENNSILVANIA

AVISO PARA SER COLOCADO EN AREA DE TRABAJO PUBLIC SECTOR

El Acta Sobre los Derechos del Trabajador y la Comunidad a Ser Informados en Pensilvania, requiere que información sobre sustancias peligrosas en el lugar de trabajo y en el ambiente este disponible para empleados del sector público y empleados del sector privado que no están cubiertos por la Ley de Comunicar Peligros de la Administración de Seguridad y Salud en el Trabajo (OSHA). Esta información también debe estar disponible para todas las personas que viven o trabajan en el estado. Los derechos del empleado están resumidos mas adelante y están explicados en su totalidad en el Acta Sobre los Derechos del Trabajador y la Comunidad a Ser Informados, (Ley Pública 734 num:159) y las regulaciones. Para mas información, favor de ponerse en contacto con el Department of Labor and Industry, Bureau of PENNSAFE, Room 155-E, Seventh and Forster Streets, Harrisburg, Pennsylvania 17120; (717) 783-2071; FAX (717) 783-5099; li-pennsafe@state.pa.us (e-mail).

Aviso en el Lugar de Trabajo:

Los Patronos del sector público (incluyendo agencias estatales, gobierno local, escuelas públicas y universidades) y patronos o empresarios del sector privado que no estén cubiertos por la Ley de Comunicar Peligros de OSHA, deben de colocar este aviso en un lugar prominente donde se pone noticias para empleados para informar a los empleados de sus derechos bajo esta ley.

Adiestramiento:

Los patronos del sector público y patronos del sector privado que no están cubiertos por la Ley de Comunicar Peligros de OSHA, tienen que proveer un programa educativo anual para aquellos empleados que están expuestos a sustancias peligrosas en el lugar de trabajo. El programa educativo puede ser presentado en forma escrita o en sesiones educativas.

Formulario Para Catalogar las Sustancias Peligrosas (HSSF):

Formulario Para Catalogar las Sustancias Peligrosas (Hazardous Substance Survey Form, HSSF, por sus siglas en inglés) es un documento que provee una lista de las sustancias peligrosas que se encuentran en el lugar de trabajo. Todos los patronos deben colocar esta forma anualmente. Los patronos del sector público y privados que no están cubiertos por OSHA, deben postear esta forma en un lugar prominente en el trabajo y deben proveer una copia a cualquier empleado que lo solicite.

Lista Para el Area de Trabajo:

La lista en el área de trabajo identifica las sustancias peligrosas usadas y producidas en un área específica del lugar de trabajo. Los patronos del sector público y del sector privado no cubiertos por la Ley de Comunicar Peligros a OSHA, deben actualizar la lista en el lugar de trabajo por lo menos una vez al año. Estos patronos deben de proveerle una copia a cualquier empleado nuevo que sea asignado al área de trabajo y a cualquier empleado del área de trabajo que así lo solicite.

Hoja de Información Sobre la Sanidad de Materiales (MSDS):

Hoja de Información Sobre la Sanidad de Materiales (Material Safety Data Sheet, MSDS, por sus siglas en inglés) es un documento que provee información detallada sobre una sustancia peligrosa. Los patronos del sector público o privado que no estén cubiertos por la Ley de Comunicar Peligros de OSHA, deben de tener estas formas disponibles en el área de trabajo donde se usa la sustancia peligrosa a que la hoja describe. Estos documentos deben de estar disponibles a los empleados sin la intervención o permiso del supervisor o administración. Los empleados tienen el derecho a obtener y examinar las hojas de información sobre cualquier sustancia peligrosa que se encuentre en el lugar de trabajo. Un empleado puede rehusar a trabajar con cualquier sustancia química cuando este ha solicitado por escrito información sobre esa sustancia, y si después de cinco días el patrono no cumple con su obligación de proveerle al empleado el MSDS or de proveer al empleado prueba de que ha tratado de obtener dicha información del fabricante, importador, proveedor, distribuidor o del Departamento del Trabajo e Industria (Department of Labor and Industry).

Formulario Para Catalogar Los Peligros Ambiente (EHSF):

Formulario Para Catalogar Los Peligros Ambientales (Environmental Hazard Survey Form, EHSF, por sus siglas en inglés) es un documento que provee información relacionada a las sustancias peligrosas que son emitidas, arrojadas, vaciadas o desechadas del lugar de trabajo al ambiente. Se requiere que todos los patronos completen esta formulario cuando el Departamento del Trabajo e Industria así lo solicite. Si esta formulario ha sido completada por un patrono del sector público o del sector privado que no esté cubierto por la Ley de Comunicar Peligros de OSHA, esta debe ser entregado a cualquier empleado que así lo solicite.

Etiquetas o Rotulos de Identificación:

Todos los recipientes o envases y puerto de entrada de tuberías en el área de trabajo que contengan sustancias peligrosas y no peligrosas en el sector público y en el sector privado que no estén cubiertos por la Ley de Comunicar Peligros de OSHA, deben de estar correctamente rotulados. Los patronos deben de asegurar que cada etiqueta, rótulo, letrero, cartelón y otras instrucciones para su manejo estén exhibidos y visibles en un lugar prominente del recipiente o envase, o y puerto de entrada de tuberías, para que los empleados puedan identificar fácilmente el contenido cada sustancia química.

Expediente Médico y de Exposición:

Patronos del sector público y patronos del sector privado que no están cubiertos por la Ley de Comunicar Peligros a OSHA deben de mantener y permitir que los empleados tengan acceso a sus expedientes en el lugar de trabajo hasta el punto requerido por OSHA (bajo la sección 29 del CFR 1910.20) o por la Administración de Seguridad y Salud de Minas (bajo la sección 30 del CFR 70.210 y 71.210).

No Discriminación:

Cualquier empleado del sector público o del sector privado no cubierto por la Ley de Comunicar Peligros de OSHA, que crea que ella ha sido despedido, disciplinado o discriminado injustamente por su patrono por haber ejercido sus derechos bajo esta ley, tiene el derecho a someter una queja por escrito al Department of Labor and Industry, Bureau of PENNSAFE, dentro de los 180 días desde el día que ocurrió la violación.



Estado de Pensilvania
Edward G. Rendell, Gobernador
Departamento del Trabajo e Industria
Stephen M. Schmerin, Secretario

**DEPARTMENT OF GENERAL SERVICES
EMPLOYEE MEDICAL/EXPOSURE RECORDS**

A. Definitions

1. Employee Exposure Record means a record containing any of the following kinds of information concerning employee exposure to toxic substances or harmful physical agents:
 - a. Environmental (workplace) monitoring or measuring, including personal, area, grab, wipe, or other form of sampling, as well as related collection and analytical methodologies, calculations, and other background data relevant to interpretation of the results obtained;
 - b. Biological monitoring results which directly assess the absorption of substance or agent by body systems (e.g. the level of a chemical in the blood, urine, breath, hair, fingernails, etc.) but not including results which assess the biological effect of a substance or agent;
 - c. Material Safety Data Sheets;
 - d. In the absence of the above, any other record which reveals the identity (e.g. chemical, common, or trade name) of a toxic substance or harmful physical agent, such as the Hazardous Substance Survey Form (HSSF).
 - e. A copy of the JPA-797, Workers' Compensation Claim Form, and other related documents (e.g. Accident/Injury Witness Statement(s), DPW Supervisors Accident/Injury/Incident Investigation Report); and
 - f. Copies of the training records documenting that the employee has been trained on the hazardous substances in question.
2. By comparison, an Employee R2K Medical Record means a record concerning the health status of an employee, resulting from exposure to a hazardous substance, which is maintained by a physician, nurse, or other health care or administrative person, including:
 - a. Medical and employment questionnaires and histories (including job description and occupational exposure);
 - b. Material Safety Data Sheet(s) for hazardous substance(s) involved;

- c. The results of medical examinations (pre-employment, pre-assignment, periodic, or episodic) and laboratory test (including x-ray examinations and all biological monitoring);
- d. Medical opinions, diagnoses, progress notes, and recommendations;
- e. Descriptions of treatments and prescriptions; and
- f. Employee medical complaints.

B. General

1. Records must be kept on each employee exposed to chemical/ hazardous substances. An exposure record begins when an employee has an actual exposure to a chemical (ingestion, inhalation, absorption through the skin or eyes or otherwise comes into contact with a chemical mixture). If the employee already has a medical record (or will have a medical record) as a result of the exposure, the exposure record can become part of the medical record. If no medical record exists, a separate exposure record must be initiated.
2. All R2K medical and exposure records are to be retained by facilities/offices for at least 30 years beyond the employee's termination of employment in a separate, secure, and confidential R2K file which must **not** be part of the employee's official personnel file. The official personnel file shall be annotated that such a separate R2K exposure file exists.
3. The R2K exposure file shall not be forwarded to the State Records Center with the terminated employee's Official Personnel File. It shall remain for 30 years in the Human Resource Office of the employee's last place of employment.
4. The R2K exposure file shall be forwarded to the gaining agency (along with the official personnel file) when an employee transfers to an agency under the Governor's jurisdiction. If the gaining employer is not an agency under the Governor's jurisdiction, the exposure file is to be maintained in the losing DPW Unit Human Resource Office for 30 years from the date of termination. If DPW were to rehire a former state employee, the gaining Unit Human Resource Office shall request the employee exposure file from the former Unit Human Resource Office.

C. Record Accessibility

1. The following individuals have access to medical records without written permission of the affected employee:

- a. Authorized representatives from the Department of Labor and Industry.
 - b. The employee (or former employee).
 - c. The employee's physician.
 - d. Recognized or certified union representative.
2. Access by any individual(s) must be in accordance with the requirements as stated in 29-CFR Subpart C General Safety and Health Provisions Section 1910.20 Access to Employee Exposure and Medical Records.

R2K TRAINING ROSTER

Pg. _____ of _____

Work Location _____

Date: _____ Time: _____

Trainer _____

_____ General R2K Awareness Training

_____ Specific training on the following hazardous substances:

 ***** Note: Records of employees' exposure to hazardous substances are kept in the Human Resources Office. An employee has the right of access to his/her exposure and medical record to the extent required by OSHA (under 29 CFR 1910.20).

 **

PLEASE PRINT CLEARLY:

Employee Name	Employee Number	Bureau & Code #
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____