

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



**REQUEST FOR
INFORMATION/COMPLAINT FORM**

Commonwealth of Pennsylvania
Robert P. Casey, Governor

Department of Labor and Industry
Thomas P. Foley, Secretary

THE PURPOSE OF THE WORKER AND COMMUNITY RIGHT TO KNOW ACT (1984-159) IS TO PROVIDE EMPLOYEES, COMMUNITY MEMBERS, AND EMERGENCY RESPONSE AGENCIES (POLICE, FIRE, AMBULANCE, ETC.) WITH INFORMATION ON THE CHEMICAL SUBSTANCES THEY ARE EXPOSED TO IN THEIR WORKPLACES AND IN THE ENVIRONMENT. THIS INFORMATION IS AVAILABLE TO ALL CITIZENS LIVING OR WORKING IN THE COMMONWEALTH WHO ARE NOT COMPETITORS OF THE EMPLOYER FROM WHOM THEY ARE REQUESTING INFORMATION.

PLEASE NOTE:

THE STATE RIGHT TO KNOW PROGRAM CANNOT INVESTIGATE EMPLOYEE WORKPLACE COMPLAINTS AGAINST MOST PRIVATE SECTOR EMPLOYERS BECAUSE THE FEDERAL OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) HAZARD COMMUNICATION STANDARD COVERS MOST PRIVATE SECTOR WORKPLACES.

**PENNSYLVANIA
RIGHT TO KNOW
LEGISLATION:**



WHAT IS RIGHT TO KNOW?

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

The Pennsylvania Worker and Community Right to Know Act creates 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; the 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 and 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 1970s, 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 on August 2, 1988:

October 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.

August 17, 1985

The final list of Hazardous Substances to be regulated under the Right to Know Act is published in the Pennsylvania Bulletin.

August 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 December 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.

September 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.

August 3, 1987

As scheduled in the regulations, the rules for hazardous chemical labeling and MSDSs go into effect.

August 24, 1987

Under court order, OSHA expands its regulations of employee

access to include most nonmanufacturing sectors. This action immediately stops the state from regulating employee access to workplace chemical information wherever OSHA has jurisdiction.

September 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.

October 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.

August 2, 1988

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

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 and Industry, if requested.
- * Collect and maintain a file of Material Safety Data Sheets. These MSDSs give detailed information on each hazardous substance in the workplace. The MSDSs 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 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.
- * 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 for hazardous substances they produce or deliver in Pennsylvania to:
 - All customers.
 - Department of Labor and Industry.
- * Provide copies of the Hazardous Substance Survey Form, Environmental Hazard Survey Form, and Material 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 any hazardous substance that is regulated under the Right to Know Act. 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. The second version is called a Chemical Name Index, which lists chemical names in alphabetical order and includes trade names, synonyms, and common names by which hazardous substances are more commonly known.

WHICH SUBSTANCES AND PRODUCTS ARE EXEMPT?

The law and regulations have granted exemptions to 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: The Bureau of Worker and Community Right to Know
Department of Labor and Industry
Room 1503
Seventh and Forster Streets
Harrisburg, Pennsylvania 17120
(717) 783-2071



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF LABOR AND INDUSTRY
BUREAU OF WORKER AND COMMUNITY
RIGHT TO KNOW

ROBERT P. CASEY
GOVERNOR

HARRIS WOFFORD
SECRETARY

PATRICIA HALPIN-MURPHY
DEPUTY SECRETARY

JAMES H. TINNEY
DIRECTOR

RETURN COMPLETED FORM TO:

DEPARTMENT OF LABOR AND INDUSTRY
BUREAU OF WORKER AND COMMUNITY
RIGHT TO KNOW
ROOM 1503
7TH AND FORSTER STREETS
HARRISBURG, PENNSYLVANIA 17120

ATTN: "ITS"

IF YOU HAVE ANY QUESTIONS OR NEED
ASSISTANCE IN COMPLETING THIS FORM,
TELEPHONE (717) 783-2071.

Department of Labor and Industry
Bureau of Worker and Community
Right to Know, Room 1503
Seventh and Forster Streets
Harrisburg, Pennsylvania 17120

TO: