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Management Plan
for
Employee Right-to-Know (ERK)

FEBRUARY 2025

Augsburg University

Management Plan for Employee Right-to-Know (ERK)

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Contact Person:	Tyler LeClear Vachta
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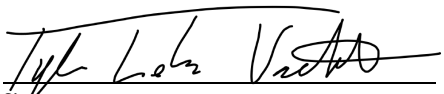
Augsburg University Annual Review Form
Management Plan for Employee Right-to-Know (ERK)

Certification

I certify that I have reviewed the information provided and accept this written management plan. With assistance from our EHS consultant, the university will implement the policies and procedures noted within this plan. The written plan is a working document that will be reviewed and revised annually, or as needed.

Tyler Le Clear Vachta		2/11/2025
Print Name	Signature	Date

Program reviews and follow-up of program-related issues are documented below.

Date	Actions/Comments	Reviewed by:

1.0 Introduction

The purpose of this plan is to reduce the potential for injury associated with exposure to hazardous substances and to comply with Minnesota OSHA's (MNOSHA) Employee Right-to-Know Chapter 5206 and Federal OSHA 29 CFR 1910.1200.

The Management Plan for Employee Right-to-Know (ERK) applies to employees who are involved with, or who have the potential for exposure to: hazardous chemicals, physical agents, or infectious materials. This plan is available for review electronically.

The Employee Right-to-Know management plan was amended to include Federal OSHA's updated Hazard Communication standard, to bring the United States into alignment with the Globally Harmonized System of Classification and Labeling of Chemicals (GHS). The updated standard provides a single set of harmonized criteria for chemical manufacturers and importers for classifying chemicals according to their health and physical hazards, and specific formatting for labeling and Safety Data Sheets (SDS). MNOSHA has adopted the federal HazCom standard with the following exceptions:

1. MNOSHA retained the annual training requirement
2. MNOSHA did not adopt the federal exceptions for ionizing and nonionizing radiation and biological agents because they are covered under MN ERK
3. MNOSHA retained the three-year recordkeeping requirement

2.0 Responsibilities

The program administrator, or designee, is responsible for:

- Ensuring employees have received training
- Complying with applicable regulations
- Ensuring chemical inventories and Safety Data Sheets are maintained
- Ensuring labeling is available to staff members and applied appropriately

3.0 Occupational Exposure Determination

Employees who are exposed to: hazardous chemicals, temperature extremes (hot and/or cold), excessive noise and/or infectious agents are required to be covered by the ERK program.

The university has determined that the following employee groups are included in the ERK program:

- Art Instructors
- Band Instructors
- Biology Department
- Chemistry Department
- Facilities Employees
- Grounds Employees
- Health Services Employees
- Physics Department

See Appendix A for ERK Occupational Assessment Tool.

4.0 Identification of Workplace Hazards

Workplace hazards may include: dangerous chemicals, situations, or other unsafe conditions found in the workplace. The Employee Right-to-Know standard identifies categories of workplace hazards that are included in this management plan.

Hazardous substances are chemicals that may cause acute or chronic health effects in exposed employees as demonstrated by at least one scientific study conducted according to established scientific principles.

Hazardous chemicals include: carcinogens, toxic agents, reproductive toxins, irritants, corrosives, sensitizers, agents which damage the lungs, skin, eyes, or mucous membranes, hepato (liver) toxins, nephro (kidney) toxins, neuro (nerve) toxins, and agents that act on the hematopoietic (blood-forming organs) system. Hazardous chemicals are located in departments throughout the university. Refer to the university's chemical inventory for substance details.

Harmful physical agents include heat, noise, ionizing radiation, non-ionizing radiation, and infectious materials. Any employee whose exposure level to one or more of these agents is close to or exceeds allowable limits set by OSHA is included in this plan.

- Heat can be a byproduct of work. The body cools itself through increased blood flow to the skin and through perspiration. Working in a hot environment can alter the body's natural defenses against heat. Heat stress is rarely a hazard within the university. However, the university's grounds crew is informed of the potential for heat stress during summer months and is instructed to take frequent breaks in a cooler environment and increase liquid intake to help guard against heat stress and heat stroke.
- Federal OSHA has specific standards for noise exposure in 29 CFR 1910.95. Protection is provided by the university when employee noise exposure exceeds OSHA's Action Level of 85 decibels (dB) based on an eight-hour time-weighted average. Employees exposed to this level of noise are covered in the university's *Hearing Conservation Program*.
- Ionizing radiation is found in X-ray equipment, radioactive materials, and a variety of other equipment. The potential for over-exposure to this type of radiation is not foreseen to present a hazard at the university.
- Non-ionizing radiation can come from equipment such as: microwaves, televisions, baby monitors, or AM/FM clock radios, as well as radon exposure. It is different from ionizing radiation in that it is non-cumulative. This type of radiation is only hazardous in extremely high amounts, not typically associated with universities. Therefore, the university does not have a policy to eliminate this type of hazard from the workplace.
- Infectious Agents are hazards that, when introduced into the body, can cause sickness, disease, or death. The common cold, influenza, and head lice are examples of infectious agents. These agents can be transmitted through contact with body fluids, human waste, personal items, and ordinary human contact. Augsburg University has identified employees routinely exposed to blood and body fluids and supports those employees under the *Exposure Control Plan for Bloodborne Pathogens*.

5.0 Chemical Inventory and Safety Data Sheets

Chemical Inventory

Chemical inventories are completed for departments throughout the university. Inventories are updated regularly to maintain accurate records of the substances used in each department. Master copies of the chemical inventory are maintained within each department.

Safety Data Sheets (SDS)

University employees are provided SDSs meeting the requirements of the OSHA Hazard Communication Standard 29 CFR 1910.1200 and other relevant product information about the chemicals used in their work area. Manufacturers or suppliers are required to furnish copies of the SDS for each of their products. All demonstration products are required to be accompanied by an SDS. Master copies of the SDS compilation are maintained and located within each department.

An SDS is not required for consumer products which are packaged for retail sale and are used in consumer quantities, frequency, and duration. This exemption does not apply to consumer products used as part

of a job duty or assignment. An SDS is not required for products brought into the workplace by employees for personal use outside of job duties or assignment.

6.0 Labels

Container Labeling

Chemical containers have proper labels regardless of size. Incoming chemicals are labeled with GHS compliant labels.

Required Elements of a GHS Compliant Label:

- **Name, Address and Telephone Number** of the chemical manufacturer, importer or other responsible party
- **Product Identifier** is how the hazardous chemical is identified. This can be (but is not limited to) the chemical name, code number or batch number. The same product identifier must be both on the label and in section 1 of the SDS.
- **Signal Words** are used to indicate the relative level of severity of the hazard and alert the reader to a potential hazard on the label. There are only two words used as signal words: "Danger" and "Warning". "Danger" is used for more severe hazards and "Warning" is used for less severe hazards.
- **Hazard Statements** describe the nature of the hazard(s) of a chemical, including where appropriate, the degree of hazard. All of the applicable hazard statements must appear on the label.
- **Precautionary Statements** describe recommended measures that should be taken to minimize of prevent adverse effects resulting from exposure to the hazardous chemical or improper storage or handling. There are four types of precautionary statements: prevention, response, storage and disposal.
- **Supplementary Information** allows the label producer to provide additional instructions or information that they deem helpful.

Secondary Use Containers

Containers used for distribution of products purchased in bulk quantities, such as filling spray bottles or other secondary containers, are labeled with product identifier, signal word, hazard statements and associated pictograms, and precautionary statements. Manufacturers may provide secondary container labels with these elements. If a label with this information is not available for the product being placed in a secondary container, the container is labeled with the product identifier and a combination of words or pictures that identify the general hazards associated with the product. Labels are affixed to containers prior to use. SDSs are required to always be available. Secondary containers are not required to be labeled if they:

- Are used only to transfer a hazardous substance from a labeled container to another labeled container.
- Remain under the control of the person who transferred the substance and they are only used during the work shift in which the transfer takes place.

Pipes or Piping System

University employees may work with pipes or piping systems. Pipes and piping systems are required to be labeled. However, if an employee is to complete work that involves unlabeled piping systems, the employee is required to be trained on the hazards of those unlabeled pipes.

Emergency Situations

Emergency spills should be handled according to the university's *Emergency Action Plan*. DO NOT ATTEMPT TO CLEAN UP THE SPILL, unless you are familiar with the chemical that has been spilled and the

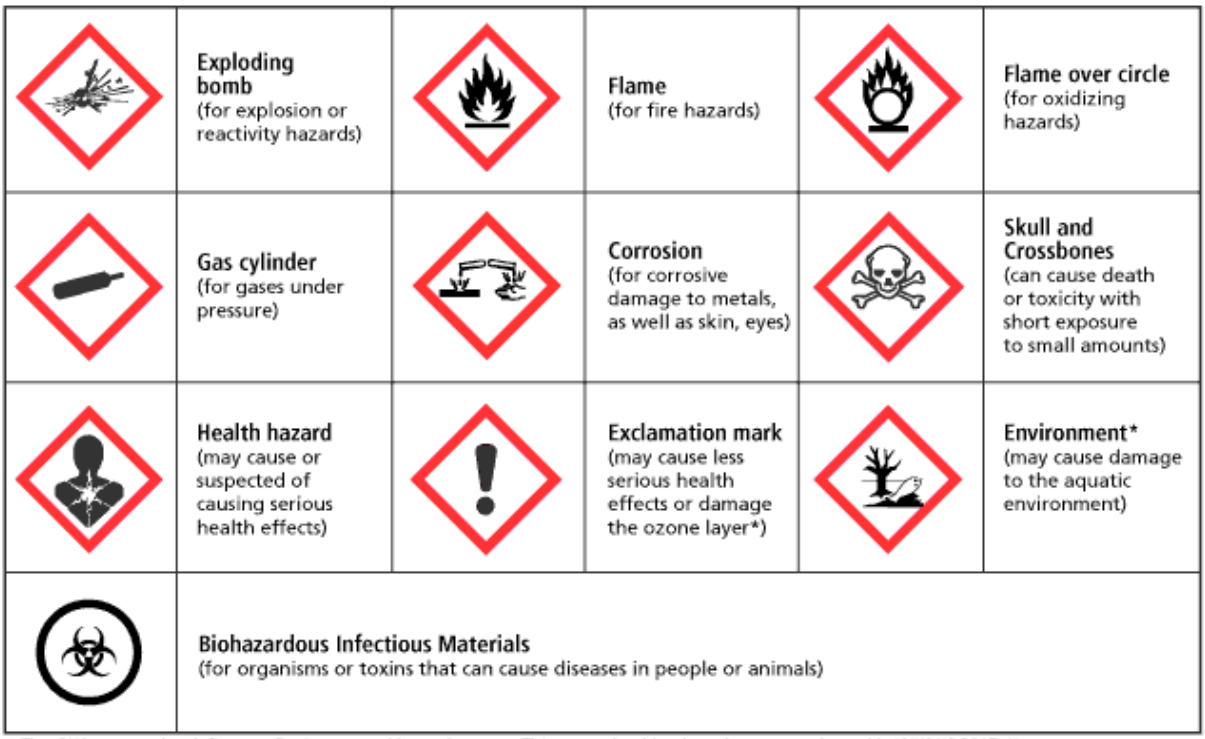
proper procedure for cleaning it up. If there are questions about the product, refer to the SDS for more information. If questions still remain, call your supervisor for more information and cleanup guidance. It may be appropriate to contact local fire departments, hazardous materials operators, or emergency response teams to contain and clean up spilled chemicals.

7.0 Pictograms

Pictograms are graphic symbols used to communicate specific information about the hazards of a chemical. On hazardous chemicals being shipped or transported from a manufacturer, importer or distributor, the required pictograms consist of a red square frame set at a point with a black hazard symbol on a white background, sufficiently wide to be clearly visible.

The pictograms OSHA has adopted improve worker safety and health, conform with GHS and are used worldwide. While the GHS utilizes nine pictograms, OSHA will only enforce eight, ignoring the environmental pictogram.

See below for the pictograms:



* The GHS system also defines an Environmental hazards group. This group (and its classes) was not adopted in WHMIS 2015. However, you may see the environmental classes listed on labels and Safety Data Sheets (SDSs). Including information about environmental hazards is allowed by WHMIS 2015.

8.0 Non-Routine Tasks

When employees are required to perform potentially hazardous, non-routine tasks, an informative training session will be conducted to inform employees of the hazards they may be exposed to and the proper precautions to take to reduce or avoid exposures. If the task involves chemicals, the associated SDSs will be made available. The program administrator is responsible for ensuring training is provided.

9.0 Contractor Policy (Multi-Employer Worksite)

Augsburg University may employ contractors to perform work throughout the university. Prior to performing work, contracted employees are informed through a job-specific meeting: of potential hazardous substances, harmful physical agents, or infectious agents they may encounter. Contracted employees are also instructed how to access the Safety Data Sheet compilation. While discussing the above with the contracted employees, the university will also review the university's labeling system used in the workplace.

10.0 Training

Augsburg University provides training to employees covered under the ERK program. It is the university's responsibility to ensure the participation of these employees in the training program. Training is provided: before initial assignment, when any new hazardous materials are introduced into the worksite, and annually thereafter.

The training includes the following information:

- A summary of the ERK program
- SDS specific information
- The university's labeling system and instructions to understand the labeling system
- Hazard information, either by chemical or by category of hazard
- Types, locations, and expected contact with chemicals and hazardous physical agents, including short and long-term effects of exposure to substances
- Instructions on how to protect employees from over exposure
- Question and answer period to ensure the information presented was understood

Training records of employees covered under the ERK program are maintained by the Human Resources Department.

11.0 Recordkeeping

Training records are maintained for three years. Records include employee name, the training date, the instructor's name, and the information covered during the training. For chemicals no longer in use, the MSDS/SDS or another acceptable record of identity of the substances are archived for 30 years beyond last use.

This management plan is reviewed annually to make updates to information and training records.

12.0 References

Minnesota Statutes. "Citation and Legislative Purpose (182.65)." *Minnesota Legislature, Office of the Revisor of Statutes*. MN Statutes, 2022.

Occupational Safety and Health Administration. "Hazard Communication (1910.1200)." *U.S Department of Labor, Occupational Safety and Health Administration.* OSHA, 2013.

Occupational Safety and Health Administration. "Hazardous Substances; Employee Right-to-Know (5206)." *U.S Department of Labor, Occupational Safety and Health Administration.* OSHA, 2008.

Appendix A

ERK Occupational Assessment Tool